

5-14-2020 - Monthly Meeting

STATE OF NEW YORK

PUBLIC SERVICE COMMISSION

MONTHLY MEETING OF THE
PUBLIC SERVICE COMMISSION
VIA WEBEX CONNECTION

Thursday, May 14, 2020, at 10:30 a.m.

COMMISSIONERS:

JOHN B. RHODES, Chair

DIANE X. BURMAN

JAMES S. ALESI

TRACEY A. EDWARDS

JOHN B. HOWARD

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2 (On the record; 10:36 a.m.)

3 CHAIRMAN RHODES: Can I check that my
4 audio is working?

5 THE REPORTER: Yes, it is.

6 SECRETARY PHILLIPS: Yes, it's
7 working.

8 CHAIRMAN RHODES: It's working. Thank
9 you. So I will now call this session of the Public
10 Service Commission to order. Secretary Phillips ---

11 COMMISSIONER BURMAN: Yeah, we're --
12 Chair, we're still -- it's not live. It says --
13 there's a screen that says we'll begin shortly.

14 CHAIRMAN RHODES: Is that how we
15 decided to do it

16 COMMISSIONER BURMAN: Yeah.

17 CHAIRMAN RHODES: -- or do we have
18 audio session in progress?

19 COMMISSIONER BURMAN: Now we are in
20 progress.

21 CHAIRMAN RHODES: Okay. So we're good
22 then. Thank you very much. Secretary Phillips, are
23 there any changes to the final agenda?

24 SECRETARY PHILLIPS: Yes. This is
25 Secretary Phillips. We have pulled item 161 which

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2 concerned Case 17-G-0606 and Case 19-G-0171.

3 CHAIRMAN RHODES: Thank you very much.

4 So we will omit that -- the consent agenda. Before

5 we get started, I would like first just to confirm

6 that our colleague commissioners are on the line.

7 Commissioner Burman, are you with us?

8 COMMISSIONER BURMAN: I'm here.

9 CHAIRMAN RHODES: Great. Thank you.

10 Commissioner Alesi.

11 COMMISSIONER ALESI: I am here.

12 CHAIRMAN RHODES: Perfect. Thank you.

13 Commissioner Edwards.

14 COMMISSIONER EDWARDS: I am here.

15 CHAIRMAN RHODES: Great. And

16 Commissioner Howard.

17 COMMISSIONER HOWARD: I am here.

18 CHAIRMAN RHODES: That's perfect.

19 Thank you all. And also before we get started, I

20 would like, as I usually do in sessions like this, to

21 note our arrangements for session today. In line

22 with the guidelines concerning social distancing and

23 minimizing large gatherings, and in light of

24 executive orders 202.1 and 202.14, that suspends

25 certain conditions of the open meetings law on an

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2 emergency basis we are conducting today's sessions
3 remotely.

4 I'd like to remind those who are
5 participating by phone to please mute their lines
6 except when they're speaking. Public will have the
7 opportunity to listen to the session on the
8 Department's webcast page. And we'll also record and
9 transcribe the session, as has been our practice.

10 These arrangements have been reviewed
11 by our General Counsel. He has found that these meet
12 the requirements of the executive order and also that
13 they meet my own expectations of honoring the intent
14 of the open meeting law to the maximum extent
15 permitted by our duty to protect the public health of
16 New Yorkers.

17 So before we jump into the regular
18 agenda, I'd like Kevin Wisely, Director of our Office
19 of Resilience and Emergency Preparedness to update us
20 on the Department's response to COVID-19. Kevin.

21 MR. WISELY: Good morning, Chair
22 Rhodes, and Commissioners. As stated, my name is
23 Kevin Wisely, I'm the Director of the Office of
24 Resilience and Emergency Preparedness and also serve
25 as D.P.S.'s Emergency Manager. New York State

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2 agencies, including the Department of Public Service
3 through Governor Cuomo's leadership continue to
4 manage response and have begun to plan for the
5 recovery from the COVID-19 pandemic.

6 Department of Public Service staff
7 have been tracking the COVID-19 outbreak since early
8 in the year while D.P.S. offices have taken part in
9 the planning, response, and recovery from the
10 pandemic. D.P.S. continues to support New York State
11 COVID-19 response, state operations, the state
12 emergency operations center, and various agency
13 response initiatives that have been instituted as
14 part of the COVID-19 response.

15 Additionally, D.P.S. has ensured that
16 continuity of operations and pandemic plans have been
17 effectively implemented by the utilities, power
18 generators, and the Independent System Operator. All
19 of these entities are playing a critical role in
20 providing safe and reliable service while managing
21 any workforce impacts.

22 D.P.S. staff participate on numerous
23 coordination and information sharing calls with the
24 utilities, power generators, and the New York
25 Independent System Operator and the New York Power

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2 Authority, the Federal Energy Regulatory Commission,
3 the National Association of Regulatory Utility
4 Commissioners, the United States Department of Energy
5 and others, in response to the COVID-19 outbreak so
6 that we have the latest information from our partners
7 and approach the restarting of the energy sector in a
8 consistent fashion.

9 Early on D.P.S. assisted in the
10 sequestration of critical energy sector employees at
11 key sites to ensure that trained personnel are always
12 available to keep the electric grid operational. The
13 utilities have developed plans to begin the scaling
14 back of sequestration as appropriate based on
15 regional case rates. New York State will allow non-
16 essential businesses to reopen on a regional and
17 industry specific basis as each region meets the
18 criteria necessary to protect public health.

19 The State plan focuses on getting New
20 Yorkers back to work without triggering renewed
21 spread of the COVID-19 virus, or overwhelming local
22 hospital systems. New York State remains on pause
23 and preparing for Phase 1 reopening plans to begin
24 for those regions of the State that have met their
25 target metrics. Guidance can be found at the

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2 Governor's New York Forward website at
3 forward.ny.gov. This page will be updated regularly
4 with additional resources and information as more
5 regions meet the reopening criteria and as the state
6 progresses to a future phase of the New York Forward
7 plan.

8 Loosening of restrictions in New York
9 will be considered on a regional basis based on the
10 following criteria. These criteria are designed to
11 allow Phase 3 openings to begin in each region only
12 if the infection rate is sufficiently low. The
13 healthcare system has the capacity to absorb a
14 potential resurgence in new cases, diagnostic testing
15 kit capacity is sufficiently high to detect, and
16 isolate new cases and robust contact tracing
17 capability is in place to help prevent the spread of
18 the virus.

19 Businesses including the energy
20 sector, must ensure the proper protections of their
21 workforce, continuing -- continue to maintain social
22 distancing, reducing density, and requiring face
23 coverings where appropriate. The state's utilities
24 are continuing -- considering various workplace
25 adjustments as part of their normal opera --

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2 operations.

3 Continuation of telecommunica --
4 telecommunicating for much of their workforce,
5 reducing the density of office space, as well as
6 remote field worker reporting locations, review, and
7 redesign of office workspace to ensure proper social
8 distancing, and require face coverings whenever in
9 contact with others, both in the field as well as
10 office space. Wellness checks, including temperature
11 checks for all employees reporting for duty.

12 For additional information on COVID-
13 19, please also refer to the daily updates posted on
14 the New York State Department of Health website
15 coronavirus.health.ny.gov. This concludes my
16 presentation.

17 Thank you for the opportunity to
18 provide this important informational update.

19 CHAIRMAN RHODES: Thank you, Kevin for
20 -- for your leadership and for this clear and
21 positive report. These are obviously extremely
22 challenging circumstances. So it's really important
23 to confirm that we know what to -- to anticipate and
24 pay attention to. We're ensuring that the energy
25 system is as well prepared and well organized as

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2 possible to serve New Yorkers and that you certainly
3 are good. Now our own agency has been able to
4 deliver fully on its mission and also on the
5 statewide COVID-19 mission. Thank you very much.

6 I will now move to the regular agenda.
7 The first item for discussion is Item 201, Case 20-E-
8 0197 which is in the Matter to Implement Transmission
9 Planning Pursuant to the Accelerated Renewable Energy
10 Growth and Community Benefit Act, presented by
11 Elizabeth Grisaru, Deputy Director of Office of
12 Electric Gas and Water and Tammy Mitchell Director of
13 Office of Electric Gas and Water and Bob Rosenthal,
14 General Counsel are available for questions. Liz,
15 please begin.

16 MS. GRISARU: Good morning
17 Commissioners and Chair Rhodes. My name is Liz
18 Grisaru. It is really a pleasure to speak with you
19 today on this important topic, planning electric
20 transmission to meet the state's energy and climate
21 goals. I'll give you a brief overview of the item
22 and then answer any questions you may have. The
23 draft order before you take the first steps towards
24 implementing the Accelerated Renewable Energy Growth
25 and Community Benefit Act, passed by the Legislature,

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2 and signed by Governor Cuomo earlier this year.

3 The act includes two mandates focused
4 on updating the state's electric grid. First, it
5 directs the Commission to conduct a comprehensive
6 study for the purpose of identifying distribution
7 upgrades, local transmission upgrades and bulk
8 transmission investments that are necessary or
9 appropriate to achieving the climate targets set by
10 the Climate Leadership and Community Protection Act,
11 also known as the C.L.C.P.A.

12 This study is to be performed in
13 consultation with other state agencies and
14 authorities, the utilities, and the New York
15 Independent System Operator. I can report to you
16 that the study efforts is already underway and an
17 initial study results will become available later
18 this fall.

19 Second, the act directs the Commission
20 to develop plans to construct the upgrades that will
21 be needed to meet the C.L.C.P.A. These plans will
22 ultimately cover all levels of the electric system.
23 The act calls for a statewide plan for the bulk
24 transmission system and utility specific plans for
25 the distribution and local transmission systems.

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2 The draft order before you initiates
3 the process of planning for these upgrades,
4 distribution, and local transmission. It directs the
5 utilities to build on the ongoing studies and to
6 identify potential projects, which would increase
7 capacity on the local transmission and distribution
8 systems to allow for interconnection of new renewable
9 generation resources among other things. These
10 project proposals will be due November 1st, 2020.

11 The draft order also acknowledges that
12 meeting the C.L.C.P.A requires the Commission to
13 revisit traditional approaches to utility investment.
14 Specifically, climate goals must be incorporated into
15 the evaluation of potential projects and investment
16 decision making.

17 To assist the Commission in
18 establishing this new decisional framework, the draft
19 order seeks proposals from the utilities for an
20 approach to accounting for C.L.C.P.A. benefits in
21 their planning and investment criteria,
22 recommendations for prioritizing C.L.C.P.A.
23 supporting projects in the context of the utilities
24 other capital expenditures and C.L.C.P.A. timeframes,
25 and appropriate benefit cost analysis to apply in

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2 assessing potential investments in the C.L.C.P.A
3 project, cost containment, cost recovery, and cost
4 allocation methodologies and any other criteria the
5 utilities believes should be applicable to evaluating
6 these investments.

7 The draft also seeks the utilities
8 recommendations for a transparent planning process
9 that can be utilized to identify such projects in the
10 future. The utility proposals on these topics are
11 due by October 5, 2020 and following that filing the
12 Commission will seek comment on the utility proposals
13 from all interested parties. Once the new decisional
14 framework is established, we believe the Commission
15 and the utilities will be well positioned to move
16 ahead with distribution and local transmission
17 upgrades early in 2021.

18 Last, the proposed order acknowledges
19 that similar work is necessary to implement the
20 provisions of the act that relate to the bulk power
21 system. The draft states that the Commission will
22 initiate a second proceeding in the near future to
23 establish decisional criteria for both transmission
24 planning and project selection.

25 The draft directs staff to identify

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2 the key issues that need to be addressed, including
3 the scheduling and prioritization of projects and the
4 appropriate methodologies for funding these
5 investments. It recognizes the importance of public
6 input on these questions and commits to a robust
7 stakeholder process. I'm happy to respond to your
8 questions.

9 CHAIRMAN RHODES: Thank you very much,
10 Liz. In my view this is a timely, critical, and
11 thoughtful plan to start to modernize our grid. In
12 this instance right now our local transmission and
13 distribution grid, our future needs, including the
14 need to deliver the new clean energy called for by
15 the state's agenda. I am going to support the
16 initiation of this important work. Commissioner
17 Burman.

18 COMMISSIONER BURMAN: Thank you. Can
19 you hear me?

20 CHAIRMAN RHODES: We can, thank you.

21 COMMISSIONER BURMAN: Thank you. I do
22 have a number of questions for Liz. First, I just
23 want to thank you for laying out the item before us
24 today. As I see it, the item does try to track what
25 the act seeks to prioritize which is planning and

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2 cost-effective development of distribution and
3 transmission infrastructure.

4 I think it is important to see that
5 this Act, the Accelerated Renewable Energy Growth and
6 Community Benefit Act is one that is tied to the
7 Climate Leadership and Community Protection Act. And
8 they both have ambitious renewable energy goals and
9 directives.

10 It's really important for us to keep
11 in mind as we have been made stewards of many of the
12 issues that are in both the Climate Leadership and
13 Community Protection Act and the Accelerated
14 Renewable Energy Growth and Community Benefit Act
15 that we not just be a -- a pass through in many, many
16 things that we're doing, but that we really have,
17 because we have been given this role very directly,
18 that we really work very hard and making sure we're
19 making prudent decisions in a reasonable timeframe
20 with careful evaluation of what is before us, and
21 what we're being tasked with.

22 Pursuant to the Act, the Department of
23 Public Service was directed to undertake a power grid
24 study. This is in my opinion, an important step. It
25 is to evaluate and identify distribution and local

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2 transmission upgrades and bulk transmission
3 investments to ensure the target established by the
4 Community Leadership and Community Protection Act are
5 timely met.

6 I underscore that I do understand that
7 the study is already in formation, and that the
8 department must consult and coordinate not only with
9 the New York State Energy Research and Development
10 Authority, but also with the Power Authority, the
11 Long Island Power Authority and in my mind, most
12 importantly, the state -- our state grid operator,
13 New York I.S.O. and the utility owners and developers
14 of transmission projects.

15 And that we're to use this information
16 that -- not just this study, but really informa-- the
17 formation of this in part of the study, looking at
18 other relevant studies and research that have been
19 done and incorporating that. It is really important
20 for us to ensure that we are following through on the
21 studies that are undertaken. Sadly, to me, we have
22 not always done that. And we continue not to do
23 that. And if we do, it is not necessarily always in
24 a timely fashion.

25 So I really just want to caution, the

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2 importance of really a full evaluation of the
3 relevant studies. I look most importantly to the New
4 York I.S.O., who has been a leader in appropriate
5 technical studies as it relates to the grid,
6 especially with the reliability and resiliency
7 aspects. And the studies that they are currently --
8 and prior -- reports that they're currently
9 undertaking, because I do think that it can be very
10 helpful, and I do look to them as an important
11 component of a really critical evaluation and
12 analysis that will be helpful.

13 In this, we do have to discretion in
14 the power grid study to include issues like system
15 reliability, safety, cost effectiveness of upgrade,
16 and investment in promoting renewable energy
17 facilities development. We have discretion to
18 include other areas as well and I think that's really
19 important.

20 The timeline for me is something that
21 I think we need to be careful of. In the order, we
22 are giving the Secretary the discretion to extend
23 some of the deadlines that we are setting forth in
24 this order. I must be very direct in ensuring that
25 that discretion is being made with the understanding

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2 that the deadline that we don't have the luxury of
3 extending is that set forth in the Accelerated
4 Renewable Energy Growth and Community Benefit Act.

5 And that while extensions may be at
6 times warranted, it must also be mindful of not just
7 giving the extension because of circumstances that
8 may require it, but also looking at what that will
9 mean in terms of the ability for the public and the
10 Commission as a whole and other important
11 stakeholders to review what may be presented. So we
12 need to be very careful of that.

13 I do have a couple of questions, as I
14 said from the beginning. On -- in the Order in
15 footnote -- in footnote four, it states correctly
16 that the statute does not define some key terms and
17 for purposes of the discussion we are defining local
18 transmission to refer to transmission lines and
19 substations that generally serve local load and
20 transmission lines, which transfer power to other
21 service territories and operate at less than 200 kV.
22 However, the footnote does reference that there --
23 there may be alternatives that may emerge.

24 I'm curious from Liz, if we are
25 anticipating a deeper dive into this definition, and

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2 it's been part of the study discussions that have
3 already gone on, if this definition or definitions of
4 this have been sort of debated or discussed in a way
5 that we need to be looking at this.

6 MS. GRISARU: Commissioner Burman, I -
7 - I -- I came to your question with a little bit of
8 background. Some time ago before the enactment of
9 the Accelerated Renewables Act, Staff had begun
10 setting up utility working groups to look at the
11 issues implicated by the C.L.C.P.A. targets and the
12 utilities had already started thinking about studies
13 and analyses that might be needed when the C.L.C. --
14 when this -- when the Accelerated Renewables Act was
15 signed, those utility working groups refocused in
16 light of the specific directives in the statute, and
17 they -- they have -- I -- I know since I am one of
18 the staff liaisons to the working groups that they --
19 they are interested in and are discussing amongst
20 themselves this definition.

21 So I don't -- I can't tell you that
22 there has been any -- you know, I think -- I think as
23 the order notes, there are likely different ways to
24 define these terms. The statute doesn't provide any
25 guidance. This is a working definition that we've

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2 offered here. But as the utilities work through the
3 questions that we've put to them, we wanted to leave
4 open the possibility that they might come up with a
5 different approach to this particular definition.

6 COMMISSIONER BURMAN: Thank you. The
7 reason I'm focused on this is, as this fact is a
8 section in the footnote carefully allows that
9 flexibility for other alternatives definition and I
10 think that's an appropriate flexibility, however,
11 it's not necessarily clear who makes the final
12 determination on the appropriate definition.

13 And I just want to kind of understand
14 that a little bit as well as to recognize that this
15 is opening up an initial proceeding and so this in --
16 in my opinion, especially if there is some
17 differences of opinion on that really need to be
18 conveyed to the Commission as a whole and ultimately,
19 if necessary for the Commission to weigh in.

20 MS. GRISARU: Commissioner Burman, I
21 can -- can tell you that I think it's certainly
22 staffs' expectation that in the next phase as the
23 order calls for, the utilities will make proposals,
24 including proposals that will relate to how they
25 recommend defining these terms. Those proposals will

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2 be subject to stakeholder and public input, and the
3 commission will be fully apprised of the, you know,
4 of the relevant issues as we move forward.

5 COMMISSIONER BURMAN: Perfect, thank
6 you. I appreciate that. That helps alleviate my
7 concern on that issue. In here also, we have in
8 Footnote 3, limited the definition or -- or of the
9 utilities for purposes of what we're doing here, so
10 that it is not all utilities in New York, but rather,
11 you know, Con Edison, Orange and Rockland, NYSEG,
12 RG&E, Central Hudson and Niagara Mohawk, National
13 Grid.

14 But we also recognize that in -- in
15 here, that LIPA will be also, pursuant to the act,
16 establishing a similar capital program to address
17 local transmission and distribution upgrades in its
18 service territory.

19 How are we ensuring the alignment
20 between what we're doing and possibly what LIPA is
21 doing, as well as allowing the voices of other
22 utility stakeholders who may not be defined here, but
23 may have particular interest in and expertise in
24 sharing what some of the -- the important work may
25 look like?

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2 MS. GRISARU: Commissioner, I can tell
3 you that LIPA is represented in the -- in the working
4 groups that I referenced earlier. So there is
5 certainly, you know, cross communication going on. I
6 don't know exactly what LIPA's plans might be in
7 terms of its own compliance with the act. But they
8 are -- they are, as I said, participants in our -- in
9 our -- in our current work.

10 I -- as to other utilities, I would
11 look perhaps to Tammy, I haven't had communications
12 with anyone other than the investor owned utilities
13 in New York. Tammy, is there anything you want to
14 add to that?

15 MS. MITCHELL: Thanks, Liz. Now, at
16 this point, as Liz mentioned, the working group
17 consists of the investor owned utilities in New York
18 as -- as well as, LIPA, NYPA, you know us, NYSERDA
19 and the I.S.O., but the intent here is to provide the
20 opportunity for stakeholder engagement through this
21 process, that process is still under development, but
22 we will be open to -- to input.

23 COMMISSIONER BURMAN: Thank you. I'm
24 -- I'm glad to hear that and I appreciate your
25 clarifying and sharing that. I do just want to point

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2 out that while LIPA is a stakeholder in the study
3 work, LIPA also will be doing a separate similar
4 capital program and so I really want to make sure
5 that they are very focused on ensuring some
6 consistency, but also in sharing their information in
7 a timely fashion so that it is not what sometimes may
8 feel like a siloed after we've already responded.

9 So from my perspective, I am -- I am
10 really wanting to see what comes in the report, the
11 initial report, as well as to the Commission of
12 flushing out of that separate similar capital
13 program, because that will be helpful to us from a
14 statewide perspective in undering -- understanding
15 what this all means for a statewide perspective and
16 can be helpful to further work and further decision
17 making. So I would respectfully ask that that be
18 conveyed and -- and be mindful throughout the
19 process.

20 Further, when we look at this, and I
21 see there is a discussion on working groups that have
22 already been -- utility working groups that have
23 already begun developing the study of local
24 transmission and distribution planning that will help
25 to provide insight into other system needs. And we

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2 are discussing in the order that these working groups
3 shall continue.

4 Is there somewhere to point not only
5 to the Commission but to the public at large on the
6 specifics of the working group, who actually sits on
7 those working group, the work products from the
8 working group, the next step for the working group,
9 and what that looks like, and how that will be
10 aligned with other ongoing work?

11 MS. GRISARU: No, Commissioner. At
12 the present time, there is no public access point for
13 the -- the work that the utilities are doing in these
14 various groups. We have not taken that step.

15 COMMISSIONER BURMAN: Okay. I just --
16 I've always been someone who's been concerned when an
17 order references working groups or councils or
18 committees. And there's not a lot of details in what
19 that is including the how, what, when, where, why.

20 And I'm not opposed to in -- in doing the work to
21 have organically relevant working groups, et cetera.

22 But to the extent that the order
23 itself is referencing these and -- and giving its
24 formal processes and -- and blessing, it does concern
25 me that we make sure we fully understand that

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2 especially in these working groups, morph into more
3 folks outside of the four corners of the study group
4 members. Does that make sense?

5 MS. GRISARU: Yes, I think, I
6 understand the concern but here the charge is, you
7 know, for each one of these -- these groups to
8 develop proposals and what -- what they come up with
9 will be publicly present when it's brought in -- into
10 the Commission.

11 COMMISSIONER BURMAN: Okay. I'm not
12 sure that completely alleviates my concern. It's
13 something I think we-- we need to be mindful of
14 especially if what their work does become sort of the
15 go to in -- in decision making, I think, we need to
16 be concerned about that.

17 But also to the extent that there are
18 throughout this process and there will continue to be
19 a lot of different stakeholders and entities that
20 will be involved, it's not just at the Commission
21 level, but with the Climate Leadership and Community
22 Protection Act that also has in it a council as well
23 as an environmental justice group as well as its own
24 sub committees and working groups.

25 And so I'm really trying to make sure

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2 that we are very clear in what exists and where folks
3 can get that information and understand it so that we
4 have a clear understanding of -- of the different
5 folks and stakeholders involved and what reports and
6 other work gets done. I think it's really just
7 something to be considerate of.

8 They -- we also need to recognize, or
9 I recognize that this is one piece of the larger
10 whole, the Climate Leadership and Community
11 Protection Act as well as the Acceler -- Accelerate
12 Renewable Energy Growth Transmission Act.

13 Also does have a lot of other key
14 provisions and we, today, are being mindful of
15 initiating one of the proceedings and referencing the
16 other proceedings that we were mandated to do under
17 the act. So how this fits in the larger whole and
18 engagement with the other pieces of that is really
19 important to me. And I think important to ensuring
20 that the work is properly aligned and properly
21 evaluated.

22 In Footnote 8 of the order, it
23 references that NYSERDA has initiated two studies
24 looking at the future needs of the system. One is a
25 study of the impact of offshore wind. And the second

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2 looks at the transmission capabilities that will be
3 needed to support the Climate Leadership and
4 Community Protection Act goals of making the
5 generation supply a 100% renewable by 2040. Is this
6 -- a 100% renewable by 2040, is that the long awaited
7 NYSERDA 100% renewable study or is this different?

8 MS. GRISARU: Commissioner, I'm not
9 sure how to answer that question, but I think maybe
10 Tammy would be in a better --

11 MS. MITCHELL: Hi, yes. So this study
12 and I'll just clarify-- this is a D.P.S. and NYSERDA
13 study. The focus of the 100 by 40 study referenced
14 here is with respect to the 100% port -- portfolio on
15 the transmission system. So I'm not sure that's the
16 -- the study that you're discussing.

17 COMMISSIONER BURMAN: Yeah. It's --
18 it's not, but it does answer the question. It's
19 really more of the -- this study than the second
20 prong of it, is there's two studies in the footnote
21 is really the one that, you know, NYSERDA, as you
22 said, and D.P.S. are working on for sort of the
23 energy highway 2.0 planning on the study of
24 transmission needs to support the state's renewable
25 and zero emission electricity goals.

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2 I'm happy to see this, you know,
3 coming to be mentioned here, but it gets back to the
4 larger issue for me of making sure that when we
5 undertake studies and -- and -- and whether it's at
6 NYSERDA, with D.P.S. or whether it's us alone or
7 NYSERDA alone, that we really are clearly tracking
8 the studies and the work and what falls off the table
9 or what get -- gets merged into something else.

10 Because I also, it's not just about
11 making sure we have all of that but making sure
12 whatever initial work product was getting done, does
13 not get -- does not fall off -- off the radar or
14 somehow we're re-creating from scratch the similar
15 work product. If that 100% renewable study is done
16 and over and we're not going to see it then let's
17 just at least acknowledge that and --

18 CHAIRMAN RHODES: I have --
19 Commissioner Burman, I do believe it's the same
20 study, I think we're -- there's just been some
21 shifting terminology. I don't think we're
22 duplicating work and as Tammy said that these studies
23 are being jointly led by D.P.S. and NYSERDA.

24 And so there's -- I think there's good
25 coordination. So I think we can reassure you on that

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2 point.

3 COMMISSIONER BURMAN: Okay. Thank you
4 for that clarification. I have to go back to then,
5 what was the initial work product that was expected
6 from the 100% renewable one, to the extent it's now
7 gotten folded into this. It may be appropriate for
8 us to have further discussion offline on what may or
9 may not still be there and what were some of the
10 initial results from that.

11 But be that as it may, it is something
12 that I am interested in not only from, you know, our
13 work product deliverables, but ensuring that, you
14 know, we are doing these things in a timely fashion
15 but also to be helpful to the overall analysis that
16 needs to be done. So thank you.

17 In -- in here, we are establishing the
18 power grid study and having the initial report of
19 finding due December 31st in 2020, I believe. We
20 don't have in here, though the act does reference
21 that both NYPA and NYSERDA, I believe, if their
22 boards approve, can undertake some of the costs for
23 that study.

24 How have we determined the cost not
25 only for the power grid study, but for other studies

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2 that we -- and -- and the work that we're doing here,
3 how have we allocated the cost? And how have we --
4 if we are -- if we are engaging with consultants and
5 outside expert, how is that cost sharing as well as
6 the hiring of those consultants being done.

7 MS. GRISARU: Commissioner, I'm not
8 personally familiar with the funding arrangement for
9 the ongoing study. Again, perhaps Tammy has better
10 information.

11 MS. MITCHELL: So with respect to the
12 study, that's the subject of this order, that's the
13 one utility T&D working group, there is no consultant
14 on board for that. So that we did not need funding
15 for that. However, you referenced the 100 by 40
16 study as well as the offshore wind study and we do
17 have consultant support through NYSERDA funding for
18 both of those studies.

19 COMMISSIONER BURMAN: Okay. Thank you
20 so much. I appreciate that. And I would like to see
21 the follow up on -- on that and some of the materials
22 that come with that. It is really important to me to
23 be mindful of, you know, the costs and how we are
24 actually engaging in undertaking the work product
25 especially when we're looking at outside consultants

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2 with that.

3 Now in this order, we also are setting
4 up the start of two proceedings, the one we are doing
5 reference more concretely here which is the
6 distribution and local transmission capital planning
7 for each facility. The other is a recognition that
8 we will be in the post transmission system. Since
9 the after I believe -- tells us that we will initiate
10 that within 60 days, following the Department's
11 initial findings and recommendations.

12 And I think that's really is the just
13 a question of what's -- where that timeline starts
14 for those proceedings? And when do we then -- when
15 are we needing to initiate the second proceeding and
16 the investment plans?

17 MS. GRISARU: Good -- good question,
18 Commissioner Burman, that situation of that
19 proceeding, we see that as the outside deadline for
20 initiating the proceeding related to the bulk system.

21 COMMISSIONER BURMAN: Okay.

22 MS. GRISARU: And if you -- if you
23 just played it out against the statutory deadlines, a
24 proceeding wouldn't start until sometime in 2021. We
25 think that's too late. We think that proceeding

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2 needs to start -- start sooner than if -- if the
3 Commission needs to establish new or revised criteria
4 for this sort of investment, the Commission can do
5 that in a timeframe that will dovetail with the
6 development of the actual project solutions towards
7 the end of this year or the very beginning of next
8 year.

9 COMMISSIONER BURMAN: Okay. Great. I
10 think that's really helpful. And I appreciate you
11 clarifying that. So while we have an end date from
12 the act, we do see the second proceeding needing to
13 start earlier. That second proceeding I think, is
14 probably going to be really important especially as
15 it relates to those transmission lines and upgrades
16 needed for Offshore Wind projects. From the
17 contracts that may be awarded by NYSERDA.

18 So from my perspective, that's also
19 where we really need to make sure again, not just on
20 the power grid study, but we are going to need to
21 look carefully at both NYPA and LIPA as it relates to
22 and very specifically as it relates to the Offshore
23 Wind focus. So I just want to flag that as I think
24 something is really -- it's really important to look
25 at that.

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2 In -- in looking at this and seeing
3 that, the act, I think is really also underscores the
4 prioritized schedule to complete distribution
5 upgrades and local transmission upgrades that would
6 be identified in the power grid study. And as we go
7 through it and it further gets into the -- the focus
8 on the bulk transmission and then ties to that the
9 role that NYPA plays, I recognize that the
10 legislature has given perhaps a larger than life role
11 for NYPA here.

12 That, for me, is something that I take
13 pause at. But I also am cognizant of the fact that
14 the Commission itself is given the responsibility to
15 determine when we need to -- when we believe that we
16 need to allow NYPA to play a role in project
17 selection and allowing NYPA to expedite projects that
18 it believes to be a priority that needs to go to
19 NYPA.

20 Is there an expectation that that
21 process will be done by -- within this proceeding or
22 in separate proceedings, including, but not limited
23 to, the I.S.O. processes? And I know we have the --
24 sort of public policy transmission planning aspect,
25 but we also have an expedited NYPA process. So are

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2 we fleshing out what that looks like --

3 MS. GRISARU: We've given thought to
4 it, no, the role of NYPA is not part of the current
5 proceeding that you're initiating with -- you would
6 be initiating with today's order.

7 COMMISSIONER BURMAN: Okay.

8 MS. GRISARU: So it's -- it's put that
9 aside. However, when the Commission initiates work
10 on bulk power issues, I think it's reasonable to
11 expect that the -- the NYPA's role in -- in bulk
12 power planning will be -- will -- will be considered.

13 COMMISSIONER BURMAN: Can you repeat
14 that? NYPA's role will be --

15 MS. GRISARU: I think NYPA's role
16 becomes relevant in -- in looking at the bulk power
17 proceeding.

18 COMMISSIONER BURMAN: Right. So I
19 think I'm going to underscore the importance of -- us
20 initially I started out, not wanting to just be a
21 pass through. If we determine in the bulk power
22 proceeding, that NYPA has a role, whether it's
23 through the expedited process or in the public policy
24 transmission process.

25 I want to really be mindful that when

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2 we make those determinations, we are also ensuring
3 appropriate guardrails and critical factors that NYPA
4 may need to, and maybe even should. Not just may,
5 but maybe shall -- shall have to undertake its
6 processes and its steps with clear expressed
7 directives from the Public Service Commission.

8 Since the act itself gives us that
9 responsibility, I think part of the act's intent is
10 for us to help in our prudent review and our prudent
11 engagement with others in a way that I think we can
12 help to ensure appropriate expedited processes, but
13 also appropriately make sure that these are
14 successful in every way.

15 And with that, I would underscore that
16 in order for NYPA to be successful in its investments
17 and -- and next projects, it really will need to rely
18 on true guidance from the I.S.O. as well as market
19 participants as well as others in terms of what has
20 worked.

21 We, in New York, have been successful,
22 the -- the -- the competitive market process in a way
23 that I think we should be mindful of ensuring that we
24 are carefully ensuring that those folks who have
25 participated can help to be, you know, engaged in

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2 this process.

3 MS. GRISARU: I can't disagree.

4 COMMISSIONER BURMAN: Okay. Thank
5 you. So that's just something I guess I'm going to -
6 - I'm going to leave it at that is the in -- sort of
7 when I look at this is underscoring that here today
8 is speaking to under the Accelerated Renewable Energy
9 Growth and Community Protection Act should be
10 ensuring that we are timely starting as a Commission
11 as a whole.

12 The process on the power grid study as
13 well as the initiation on the local distribution
14 planning, I kind of see it as really not
15 controversial, but helping to move forward. However,
16 the next steps are really important for us to be --
17 being responsible in our work that's going to be done
18 with a variety of stakeholders.

19 And it's really today, some directives
20 to the utility on the study aspect as well as those
21 who are working on it, well, setting forth some clear
22 deadlines and guidelines. And then as well as
23 working with the utilities in developing proposals in
24 short fashion.

25 So the caution I have is really about

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2 ensuring that this moves forward in a responsible way
3 and also in a appropriate transparency and as it
4 aligns with other things. And from my perspective,
5 engagement with our experts at the I.S.O. are -- are
6 really critical. So thank you. I have no further
7 comments at this time.

8 MS. GRISARU: Thank you.

9 COMMISSIONER BURMAN: Chair Rhodes, I
10 don't think we could hear you.

11 CHAIRMAN RHODES: Commissioner Alesi,
12 any comments or questions?

13 COMMISSIONER ALESI: As I'm looking at
14 this, I - I see this in a more condensed way, but I
15 think these efforts will actually build on efforts
16 that the department has already undertaken with
17 established working groups, utilities, providers, et
18 cetera. To address policy planning and technical --
19 technological challenges to meet the C.L.C.P.A.
20 targets.

21 And the plans outlook, the net result
22 is what we always expect to be seen here that will be
23 and that -- that it preserves the obligation of the
24 state utility to their safe, reliable, and cost-
25 effective services. So as we move into new areas in

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2 the future, that we'll apply that to what we already
3 do. And make those improvements, hopefully, we will
4 achieve the goal, meet our obligations.

5 CHAIRMAN RHODES: Thank you very much.

6 And can I -- somebody is not on mute and they are
7 creating a little bit of disturbance on the speakers
8 from time to time. So the call -- call-ins could
9 check their phones, that could be a good thing.
10 Commissioner Edwards?

11 COMMISSIONER EDWARDS: Yes. I just
12 have one question. The timeline for the project
13 proposal is between October and November 5th. When
14 is the comment period?

15 MS. GRISARU: Good morning -- good
16 morning, Commissioner.

17 CHAIRMAN RHODES: Good morning.

18 MS. GRISARU: The comment period on
19 the -- what I call the process and criteria
20 proposals, will start at the end of October with the
21 SAPA notice. And we would expect that public comment
22 period to close 60 days later, which I think takes
23 you out to December 28th.

24 COMMISSIONER EDWARDS: I'm sorry, I
25 just -- I missed the last thing you said. You said

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2 it -- the SAPA period and it takes you out to what?

3 MS. GRISARU: The 28th of December.

4 COMMISSIONER EDWARDS: Okay. All
5 right. Great. Thank you. That's the only question I
6 have.

7 MS. GRISARU: Sure thing.

8 CHAIRMAN RHODES: Thank you. And Mr.
9 Howard?

10 COMMISSIONER HOWARD: Yeah, I have one
11 question and a couple of comments. In the order
12 there's a reference to using non-traditional
13 capitalization on new transmission or distribution
14 investments. Is there any idea how that might work?

15 MS. GRISARU: Well, Commissioner, I
16 think that's a, you know, subject of lots of inquiry.
17 We haven't taken any positions, but we are asking the
18 utilities to offer up what they think will be cost-
19 effective, just, and reasonable. And then we will
20 scrutinize --

21 COMMISSIONER HOWARD: Along with that
22 -- this issue of putting a dollar value on societal
23 benefits, is that using preexisting numbers or are we
24 going to develop new numbers in this regard?

25 MS. GRISARU: I'm not sure that I --

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2 I'm not certain we have thought that far ahead.

3 Tammy, do you have other response to that?

4 MS. MITCHELL: I'd just say that that
5 is an area for exploration in this proceeding, what
6 the benefit cost framework will be.

7 COMMISSIONER HOWARD: Okay. Thank
8 you. I have a couple comments. Well, here we go.
9 This really begins the process of turning legislative
10 goals into reality. I hope that everyone in the
11 state, not only stakeholders, but the body politics
12 understands that this is by no means going to be
13 easy.

14 And we should be as cautious,
15 particularly with people's pocketbooks as possible.
16 First of all, the issue of cost containment, this
17 rebuilding of the grid and then the bulk transmission
18 system could be enormously expensive, it probably
19 will be enormously expensive.

20 And I believe that energy
21 affordability must be a crucial part of this
22 analysis. There's always a temptation to
23 unnecessarily gold plate the system where investments
24 are made that are nice, might be desirable, certainly
25 on a cost of service basis, but probably maybe

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2 unnecessary.

3 The second thing is regarding bulk
4 transmission. The truth is that power lines are
5 rarely popular in the community state traverse. So
6 minimizing the potential impacts on communities as we
7 do this analysis, I will be -- it will be paramount.

8 And that we need to engage a very
9 large list of communities that we think these
10 investments will need to be made in. But all my -- I
11 will be supporting this. Thank you.

12 CHAIRMAN RHODES: Thank you very much.
13 So with that, I will proceed to call for a vote. My
14 own vote is in favor to initiate the proceeding as
15 discussed. Commissioner Burman, how do you vote?

16 COMMISSIONER BURMAN: Yes.

17 CHAIRMAN RHODES: Commissioner Alesi?

18 COMMISSIONER ALESI: I vote yes.

19 CHAIRMAN RHODES: Commissioner Howard?

20 COMMISSIONER HOWARD: Yes.

21 CHAIRMAN RHODES: And I'm sorry,

22 Commissioner Edwards, I went out of turn?

23 COMMISSIONER EDWARDS: That's okay.

24 Yes.

25 CHAIRMAN RHODES: Thank you very much,

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2 sorry about that. Every item is approved, and the
3 recommendation is adopted. Thank you. So we will
4 now go to the second item for discussion, which is an
5 informational item and will not need a vote.

6 Item 301, Case 20-E-0080, which is the
7 matter of 2020 Summer Electric Service, electric
8 system preparations presented by Jonathan Forward,
9 Utility Engineering Specialist 3 and Paul Darmetko,
10 Utility Supervisor, Tammy Mitchell and Warren Meyers,
11 Director of Office of Market and Regulatory Economics
12 are available for questions. Jonathan, please begin.

13 MR. FORWARD: Morning Chair Rhodes,
14 Commissioners. My name is Jonathan Forward, I'm a
15 Utility Engineering Specialist 3 in the Electric
16 Safety and Reliability Section with the Office of
17 Electric, Gas and Water. Today we'll be briefing you
18 on the state's electric transmission and distribution
19 system summer preparedness for 2020.

20 Each spring staff conducts a review of
21 the electric system and utility preparedness to meet
22 the peak summer operating conditions for New York.
23 This review consists of an assessment of the New York
24 I.S.O. projected demand forecasts as well as supply
25 resource availability. Staff also issues its annual

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2 summer preparedness survey to each of the utilities
3 and reviews all responses as well as conducts
4 interviews with each utility to discuss planned and
5 completed system reinforcements, spare equipment
6 inventories and confirm that they will reliably meet
7 customer demands for the summer operating period.

8 All utilities have completed or will
9 complete all major plant reinforcements inspections
10 and repairs prior to the start of the summer
11 operating season and have adequate spare equipment on
12 hand to meet unforeseen circumstances or system
13 events. Based on Staff's review and assessment of
14 utility data, meetings with the -- each of the
15 individual utilities and with the I.S.O., we find
16 that the state's electric system and distribution
17 systems are adequately prepared to reliably meet
18 forecast 2020 summer electric demands.

19 Next slide please, I'd like to start
20 here by first speaking a bit about utility
21 preparedness in the COVID-19 environment. This
22 information was put together with the help of our
23 Office of Resiliency and Emergency Preparedness, and
24 I'd like to thank them as well as all of the
25 frontline utility workers who have continued with all

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2 their essential work during these challenging times.

3 Under Executive Order 202 public --
4 public utilities are designated as essential
5 businesses and have continued with all essential
6 operations and work needed to maintain safe and
7 reliable service to New York customers.

8 In light of the COVID-19 pandemic,
9 staff have been and remain in close contact with the
10 utility companies to ensure extra vigilance and focus
11 on system interruptions, employee response and
12 employee protections when working in the field. This
13 includes ensuring utility field employees are
14 provided with proper personal protective equipment,
15 that they maintain -- maintain social distancing
16 between themselves and customers when necessary, and
17 that they are prioritizing work to ensure safe,
18 reliable, and resilient service.

19 The utilities have taken extra steps
20 to help ensure the reliability of the system during
21 this challenging time, including measures to protect
22 their -- their essential employees, addressing any
23 potential supply chain challenges, establishing plans
24 for safely operating infrastructure, and developing
25 best practices for the use of mutual assistance.

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2 Additionally, the utilities have
3 worked to identify potential increased load pockets
4 and are preparing to augment service as appropriate
5 during heat waves, summer storms and any other
6 eventuality that may occur while customers are
7 remaining in -- in their homes during the pandemic.

8 During these extraordinary times, the
9 utilities understand the importance of maintaining
10 safe and reliable service, especially as we approach
11 the summer months. Now, turning to the discussion of
12 forecasts load versus supply resources for the
13 upcoming summer. This chart shows that historical
14 actuals and forecasts statewide peak demand as
15 projected by the New York I.S.O.

16 The blue line on the chart shows the
17 2020 peak load forecast. The NYISO baseline forecast
18 projects a statewide peak demand for 2020 of 32,296
19 megawatts, which is very similar to the 2019 baseline
20 forecast of 32,382 megawatts.

21 Looking out over the next 10 years,
22 the peak load forecast is virtually flat. The peak
23 load forecast is consistent with what we have seen
24 over the past several years. The flattening of the
25 peak load growth rate can be attributed primarily to

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2 the positive effects of the state's energy programs
3 and to underlying econometric forecast growth rates.

4 The New York I.S.O. is reporting that
5 recent electric demand levels have been lower than
6 normal for the season across New York since the start
7 of the COVID-19 pandemic and in response to state
8 issued stay at home orders.

9 Since mid-March weather normalized
10 average energy usage is down approximately eight
11 percent statewide varying between three and fifteen
12 percent depending on the region. New York I.S.O.'s
13 forecast team has observed that the reduction of
14 electric demand from commercial customers is a
15 leading driver of overall reduced electricity
16 consumption while also observing an increase in
17 residential energy usage, especially during the
18 midday hours.

19 The New York I.S.O.'s 2020 peak load
20 forecast does not account for the potential economic
21 impacts associated with COVID pandemic. To the
22 extent that the pandemic has continued effects on
23 demand, it's expected that the peak load will be
24 lower than the forecast presented here, thereby
25 making the 2020 electric forecast more conservative.

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2 Next slide please. Corresponding to
3 the previous graph this chart shows the forecast
4 impacts of the contribution of energy efficiency and
5 distributed generation towards reducing peak demands.
6 The blue bars represent forecast energy efficiency
7 impacts and the red bars represent impacts of
8 distributed generation. By the year 2030, the
9 combined effect of these programs is projected to
10 help lower the peak demand -- demand by as much as
11 5000 megawatts.

12 Next slide please. Here we present
13 the expected availabilities resource capability for
14 2020. Installed generating capacity for 2020 totals
15 38,475 megawatts, a decrease of approximately 820
16 megawatts from 2019. The decrease in generating
17 capacity can be attributed to the deactivation of a
18 few large generating facilities including Somerset
19 and Indian Point 2 met, with the addition of Cricket
20 Valley.

21 Combining the installed generation
22 capacity with projected demand response and special
23 case resources, as well as net firm purchase imports,
24 provides New York with a total of 41,319 megawatts
25 worth of capacity resources for 2020.

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2 I'd like to take a moment here to
3 discuss the impacts related to the deactivation of
4 Indian Point 2. In November of 2017 Entergy Power
5 Marketing, the owner of Indian Point Units 2 and 3
6 submitted a deactivation notice to the New York
7 I.S.O. informing them of their plans to cease
8 operation of Indian Point Unit 2 by April 30th, 2020
9 and Unit 3 by April 30th of 2021.

10 On December of 2017, the New York
11 I.S.O. issued its generator deactivation assessment
12 for Indian Point, concluding for that -- for the 5
13 year periods studied reliability criteria would be
14 met without Indian Point Units 2 and 3 under the
15 assumed and forecast system conditions.

16 Back in 2013, the Commission adopted
17 the Indian Point contingency plan which resulted in
18 600 megawatts of transmission upgrades going into
19 service in 2016 allowing more power to flow from
20 upstate into the region. The Indian Point
21 contingency plan also resulted in more than a hun --
22 100 megawatts of distributed generation added in the
23 region.

24 As noted earlier, we are also seeing
25 notable reductions in energy consumption due in large

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2 part to the state's energy efficiency programs. In
3 2019, cumulative impacts of the state's energy
4 efficiency initiatives reduced New York statewide
5 annual energy usage by over 22,000 gigawatt hours.
6 Statewide, the generation output from Indian Point
7 will be more than replaced by energy efficiency and
8 renewable energy added since 2011.

9 Additional merchant generation
10 resources have also added supply to the region,
11 including Cricket Valley, CPV Valley and the Bayonne
12 generating facilities. On April 30th of 2020, Indian
13 Point 2 officially ceased its operations. Indian
14 Point Unit 3 remains on schedule to cease operation
15 on -- in April of 2021. We find that the state
16 electric system has adequate energy supply and
17 transmission capa -- capacity to for -- to meet
18 forecast demands following the planned closure of
19 Indian Point Unit Two.

20 Next slide please. I'm sorry, go back
21 one slide I think. Yes. The New York State
22 Reliability Council is set to 2020-21 installed
23 reserve margin at 18.9 percent above the peak demand
24 -- forecast demand. This 18.9 installed reserve
25 margin requirement results in a 6,104 megawatt

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2 minimum requirement above the forecast peak demand
3 for total installed capacity requirement of 38,400
4 megawatts.

5 As previously mentioned, the total
6 available for capacity for 2020 is 41,319 megawatts
7 which is 2,919 megawatts above the minimum required.
8 This equates to an actual installed reserves of
9 nearly 28 percent above the forecast peak for 2020
10 providing a further cushion to serve the peak load
11 beyond the 18.9 percent required by the New York
12 State Reliability Council.

13 To further help peak energy de --
14 system demands, each of the utilities have load
15 relief programs in which customers are compensated
16 for providing load reductions when called upon.
17 Currently, there is an estimated thousand megawatts
18 enrolled in these programs for 2020 to further
19 facilitate peak demand reductions during the summer's
20 hottest days.

21 Additionally, the New York I.S.O. and
22 each utility have operating procedures in place to
23 further mitigate any unforeseen reliability issues.
24 The New York I.S.O. expects up to 1,000 -- 3,000
25 megawatts available under such emergency operating

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2 procedures this summer. This now concludes my
3 portion of the presentation.

4 Given all the information we have
5 presented here staff believes that the electric
6 system is adequately prepared to reliably meet New
7 York's customer needs for the summer of 2020. I'll
8 now turn it over to Paul to discuss the projected
9 summer pricing outlook.

10 MR. DARMETKO: Thank you, Jonathan.
11 Good morning Chair Rhodes. Good morning,
12 Commissioners. My name is Paul Darmetko and I'm the
13 Utility Supervisor in the Upstate Rates and Tariff
14 Section with the Office of Electric Gas and Water.
15 And in this portion of the presentation, I'll be
16 providing you with a summary of how the utilities
17 have performed at reducing the electric supply price
18 volatility for their full service residential
19 customers. I'll provide an overview of the utilities
20 residential electric supply portfolio composition for
21 the summer.

22 I'll compare this summer's energy
23 futures to last summer's futures and actuals. And
24 finally, discuss capacity price changes from last
25 year, as well as an unusual situation that is

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2 expected to negatively impact residential customers
3 supply bills this year.

4 Next slide please. This graph shows
5 the results of the utilities electric supply price
6 volatility mitigation efforts since December of 2008.
7 It compares the average New York I.S.O. market price
8 volatility, the red line, with the volatility of the
9 utilities residential electric supply portfolios, the
10 blue line or more simply stated, the lines show that
11 the volatility of the utilities portfolio would have
12 been that they only purchased from the market versus
13 what it actually is because they engage in hedges.

14 Each point on the line represents the
15 volatility over a 12-month period as measured by the
16 coefficient variation. As you can see from the
17 chart, utilities have continued to do a good job at
18 reducing the portfolio price volatility compared to
19 market. The highest point on the chart represents
20 the volatility that was experienced as a result of
21 the polar vortex in the winter of 2014.

22 The following run up in volatility and
23 drop is a result of a combination of market prices
24 steadily falling, and a price spike that occurred in
25 February of 2015. This price spike was nowhere near

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2 as high as the prior winter, but it did cause the
3 volatility to rise. We then experienced a few years
4 of relatively stable prices due to mild weather
5 followed by another price spike that occurred in
6 January of 2018. Again, mainly driven by cold
7 weather. As you can see, the statewide portfolio
8 continues to perform very well.

9 Next slide please. This chart shows
10 the elements of the composite residential electric
11 supply portfolio for the summer. As shown about 58
12 percent of the portfolio consists of fixed price
13 contracts. Of the fixed price contracts the majority
14 of those are financial in nature. The fixed portion
15 of the portfolio also includes newer physical
16 contracts, older legacy contracts, and a small amount
17 of the utility's own generation with fixed fuel costs
18 as well as NYPA contracts.

19 The balance of the portfolio is
20 predominantly made up of market purchases followed by
21 relatively small amounts with utilities own
22 generation with variable fuel costs and index
23 contracts that are primarily indexed to natural gas.

24 Next slide please. This chart shows
25 the summer's expected average energy market prices

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2 based on NYMEX futures and how they compare to last
3 summer's futures and actuals for New York City,
4 Hudson Valley and western New York, or New York
5 I.S.O. zones J, G, and A respectively. Last summer's
6 expected energy market prices that we reported to you
7 last May are in green. Last summer's actual market
8 prices are in blue, and this summer's expected market
9 prices are in red.

10 Last summer, energy prices across the
11 state ended up being lower than what was expected
12 going into the summer, mainly driven by low gas
13 prices and low energy consumption. At this point
14 going into the summer, energy prices are expected to
15 be lower than last year's actuals. This is most
16 likely due to the impacts of COVID and an expectation
17 of lower than average energy consumption as well as
18 low fuel prices.

19 Next slide please. This last slide
20 shows last year's summer strip auction capacity
21 prices and what they -- what the strip auction
22 capacity prices are this year. As you can see, New
23 York City and the rest of state are much higher this
24 year than last for the G through J locality capacity
25 prices are down compared to last summer. These

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2 changes are due to a combination of the following
3 factors.

4 An increase in New York control area
5 installed reserve margin from one hundred seventeen
6 percent to one hundred eighteen point eight percent.
7 The changes in New York City locational capacity
8 requirements are about 82.8 percent to 86.6 percent
9 and a decrease in the G through J locational capacity
10 requirements from 92.3 percent to about 90 percent.

11 As I previously mentioned, last summer
12 an unusual thing happened. The New York control area
13 peaked on a weekend, which has resulted in a higher
14 allocation of capacity cost residential customer
15 classes compared to what they have historically been
16 allocated. This, along with the change in capacity
17 prices may result in higher commodity prices for
18 residential customers in some parts of the state
19 compared to last summer.

20 However, due to the uncertainty
21 surrounding the COVID, it is difficult to project
22 what customer's commodity bills may look like this
23 summer. So staff will be monitoring the markets for
24 significant changes. The state, however, does
25 continue to be in a relatively low commodity price

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2 environment even with these changes.

3 So to conclude, utilities have
4 continued to perform well at reducing the month to
5 month price swings compared to market and have
6 maintained approximately 58 percent fixed price hedge
7 level for this summer on a statewide average basis
8 was omitted, which will mitigate any significant
9 unexpected price spikes should they occur. And that
10 concludes my portion of the presentation. Staff is
11 avarable -- available for questions. Thank you.

12 CHAIRMAN RHODES: This is -- this is
13 John Rhodes. Thank you very much, Jonathan and Paul.
14 This is a thorough and clear presentation. And I
15 heard it as good news on the adequacy of supplies,
16 and the price protection and of summer readiness.
17 Thank you very much. Commissioner Burman, any
18 reactions or comments, questions?

19 COMMISSIONER BURMAN: Thank you so
20 much. I appreciate you, all of you giving this
21 update on the critical summer preparedness issues.
22 The COVID pandemic adds an important issue to this
23 discussion, which is an important policy overview,
24 but it's often an overlooked one on -- on the summer
25 planning and as it -- as we look at this, and as we

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2 go into the summer, I think we have to be mindful as
3 the information shows that COVID-19 has dampened
4 demand, but it remains still to be seen what --
5 whether these low demand will continue or how quickly
6 demand will rebound. I think the summer's non-
7 heating load may be an indication.

8 There is a -- a need for us to
9 continue our analysis, not only as it relates to our
10 summer planning, but as we will also dovetail and
11 we're already working on dovetailing into the
12 preparations that go underway for the winter planning
13 and what the impact of the Indian Point closure on
14 New York City capacity prices looks like. I think
15 that's really important.

16 NERC has at least publicly stated that
17 as we move forward, we do seem well situated from a
18 liability perspective for this spring, but there is
19 serious concern that there might be electric grid
20 challenges if the COVID-19 impacts grow and extends
21 into the summer demand season.

22 And it's not just about whether demand
23 stays steady or goes down, but rather the reliability
24 consideration on the increased uncertainty in the
25 demand projection potential for increased forced

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2 outages above normal operating voltages, light load
3 conditions, reverse power flow and increase the --
4 our penetration as well as what the potential is for
5 unloaded, under frequency, or voltage load shedding
6 schemes.

7 We do have on the consent agenda, two
8 items that 371 and 372, that are indirectly related
9 and -- and focused on some COVID-19. 372 more
10 directly on the demand response program and 371,
11 which is the Con Ed smart AC item where we're
12 discontinuing the current smart AC program, but it's
13 not about discontinuing necessarily, it's about
14 moving forward on other potentially more appropriate
15 programs to help with load and with customers. And I
16 think also underscores, you know, the need for
17 situational awareness that can come from A.M.I. as
18 well.

19 So something I think we need to be
20 really focused on and engaged even more than ever
21 before. I -- I do want to make a point here because
22 we talked about the critical operations that
23 continued during this time. I think it, from my
24 perspective an appropriate time to recognize that
25 despite all the chaos and uncertainty around COVID-

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2 19, both the natural gas and electric service
3 performed admirably and if I dare say flawlessly.

4 I think it's really showcased what we
5 know which is the critical role of energy and the
6 essential services, but we saw, and we continue to
7 see our own staff, as well as the utilities and power
8 producers and the I.S.O. really working diligently to
9 ensure that the grid stays reliable and resilient.

10 And it means doing so in a way that
11 it's also taking care of protecting their workers, as
12 they were -- have to still respond to emergencies and
13 ensure operations continue so we have energy. But
14 also in new roles of expanding grid service and
15 providing engineering and other technical services
16 for energy fields, hospitals and startups, drive-up
17 testing centers, as well as ensuring that the
18 existing hospitals and critical areas have their
19 energy as well as any additional incremental energy
20 load that -- that they may need.

21 And they've done so I think in really
22 heroic ways. And I do want to say thank you for
23 that. We're really going to need to, as we move
24 forward on with the summer, really look at all that
25 we can do to help ensure that the grid remains

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2 reliable and that consumers are protected, but also
3 understanding the significant toll this takes on our
4 critical essential workers again, not just our staff,
5 but the utilities and others. And that we are
6 balanced in our approaches and consider the impact
7 not only on customers, but also on the utilities and
8 the focus on that.

9 So this is really important time and
10 let's be mindful of watching and seeing, especially
11 from, I think, the warning from NERC and I think
12 it's something that we need to be considerate of.
13 Thank you.

14 CHAIRMAN RHODES: Thank you very much.
15 Commissioner Alesi.

16 COMMISSIONER ALESI: Thank you, Mr.
17 Chairman. I'll be brief, it's very concise and very
18 well done. Appreciate the effort.

19 CHAIRMAN RHODES: Thank you. And
20 Commissioner Edwards.

21 COMMISSIONER EDWARDS: I just have a
22 question. Are we going to have ongoing conversations
23 with them as we try to make sure that the employees
24 are safe, if there's going to be cooling rooms that
25 are normally in the summer, and how that's going to

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2 work and how they're going to be able to have social
3 distancing? I understand that they are working on
4 these issues, but are they going to be submitting
5 updates to this plan to us?

6 MR. FORWARD: I'm not sure that it
7 will be submitting -- yeah, I think Kevin Wisely
8 might be able to help answer that question also.
9 Okay. If he still --

10 CHAIRMAN RHODES: Kevin Wisely.

11 MR. WISELY: I am here.

12 CHAIRMAN RHODES: Is Mr. Wisely on
13 muted.

14 MR. WISELY: Chair, I am here.

15 Commissioner Edwards, yes, we are --
16 we continue to have ongoing discussions with all the
17 utilities, but specifically with downstate utilities
18 and that's in regards to summer preparations and
19 preparing for heat waves and things of that nature
20 and how we ensure that we protect the citizens in the
21 -- in the downstate area, especially those that are
22 vulnerable that may not be able to go to a cooling
23 center and the like, but then also establishing, you
24 know, for those cooling centers that may get
25 established ensuring there's proper social distancing

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2 and P.P.E.

3 So under the discussions the utilities
4 are very cognizant of that and we are -- we'll be
5 tracking that through the summer with them.

6 COMMISSIONER EDWARDS: Okay, great.

7 And Kevin, you know --

8 COMMISSIONER BURMAN: I'm sorry -- I'm
9 sorry --

10 COMMISSIONER EDWARDS: -- just on the
11 side -- on the side note, I just want to just say you
12 do really an outstanding job on behalf of all of us,
13 thank you.

14 MR. WISELY: Thank you, Commissioner.

15 CHAIRMAN RHODES: Thank you,
16 Commissioner Edwards and especially thank you for
17 that -- for that side note. Commissioner Howard.

18 COMMISSIONER HOWARD: I have just one
19 questions regarding notice, the continued low prices
20 and what they will have -- effect they're having on
21 the merchant generators. I note that the -- the
22 Athens generating facility has asked for bankruptcy
23 protection, do we -- how do we see these low prices
24 affecting not only this summer, but potentially going
25 forward on some of these marginal generators?

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2 MR. FORWARD: Thanks, Commissioner
3 Howard. Yes, I think seeing the low energy prices
4 does impact that we and it's also part of the nature
5 of the -- the excess capacity that we are seeing in
6 the state. So to the extent that the prices remain
7 low, it does put more pressure on the generators, who
8 may be experience -- experiencing some financial
9 instability.

10 That said that we do have adequate
11 supply in the state, and we need to maintain
12 reliability and anytime a generator would be
13 interested in deactivating from the system it must go
14 through a reliability study at the New York I.S.O. to
15 determine if there would be any potential reliability
16 impacts based on that leaving the system. Beyond
17 that it's a factor of the market dynamics of the
18 system and the supply and demand that we see today.

19 COMMISSIONER HOWARD: Okay. Thank
20 you. And would -- how long was that process by which
21 a generator would go off the grid?

22 MR. FORWARD: For the generator
23 deactivation process currently at the I.S.O. they
24 would need to provide 365-day notice prior to leaving
25 the system. So does that answers your question?

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2 COMMISSIONER HOWARD: Yes, thank you.

3 That's all my questions. Again, thank you for your
4 good work and like every -- my colleagues are very
5 anxious that we remain abreast of this very rapidly
6 changing dynamic that we're seeing this summer.

7 CHAIRMAN RHODES: Thank you very much,
8 Commissioner Howard. This is not an item for a vote.
9 So I thank our presenters and respondent and move to
10 the third item for discussion. It's item 302 Case
11 19-E-0735 which is the petition of NYSERDA regarding
12 the New York Sun program presented by Ted Kelly,
13 Assistant Counsel, Tom Rienzo Chief of Clean Energy
14 Programs, Warren Meyers, Director of Office of Market
15 and Regulatory Economics and Marco Padula, Director
16 of Office of Markets and Innovation are available for
17 questions. Ted, please begin.

18 MR. KELLY: Good afternoon Chair
19 Rhodes and Commissioners. This is Ted Kelly
20 speaking. Item 302 is a draft order granting the New
21 York State Energy Research and Development Authority
22 or NYSERDA's petition for the expansion of the New
23 York Sun program to meet the six gigawatt by 2025
24 distributed solar goal established in Governor
25 Cuomo's 2019 state of the state and codified as part

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2 of the Climate Leadership and Community Protection
3 Act, the C.L.C.P.A.

4 NYSERDA under Commission authorization
5 and direction has administered programs supporting
6 the development of distributed solar in New York
7 State since at least 2004 when the renewable
8 portfolio standard or R.P.S. program was initiated.

9 In 2012, Governor Cuomo announced the
10 launch of the New York Sun initiative to expand and
11 enhance distributed solar programs. In 2013, the
12 Commission approved the redesign of distributed solar
13 programs to the megawatt block approach, which offers
14 incentives to solar projects in declining blocks to
15 ensure that incentive levels go down as costs go
16 down.

17 Initial blocks offered as much as one
18 dollar per watt while current block -- while the
19 current block offers large upstate projects less than
20 20 cents per watt. In 2014, the Commission
21 authorized NYSERDA to implement the New York Sun
22 megawatt block program for the period of 2016 through
23 2023, the target of three gigawatts of distributed
24 solar in New York State and an incremental budget of
25 960.6 million dollars.

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2 In the January 2016 Clean Energy Fund

3 order, the Commission reaffirmed the New York Sun

4 budget and target and set collections to fund the

5 960.6 million dollars incremental budget.

6 Subsequently in a 2018 order, the Commission

7 clarified that the total New York Sun budget was 1.18

8 billion dollars, inclusive of that 960.6 million

9 dollars, as well as 216 million, which had originally

10 been authorized in 2014 through -- 2014 through '15.

11 New York Sun program has successfully

12 driven the deployment of distributed solar in New

13 York State at a tremendous pace in a manner that

14 supports consistently reduced costs as well as

15 benefits to customers and the utility system.

16 Currently, more than 2.2 gigawatts of distributed

17 solar are in service in New York State and more than

18 1.2 gigawatts of ongoing projects have met the

19 qualifications to reserve New York Sun incentives.

20 Thus, the three gigawatts by 2023 goal is expected to

21 be reached in more than a year ahead of schedule.

22 In November 2019, in response to the

23 expansion of the states through survey goal -- solar

24 goal to six megawatts announced in the state of the

25 state and codified in the C.L.C.P.A. NYSERDA filed a

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2 petition requesting that the Commission authorize the
3 expansion of the New York Sun program to support the
4 six gigawatts by 2025 goal, including an extension of
5 the program through 2025 and an expansion of the
6 budget by 573 million dollars.

7 The proposed budget is broken down
8 into several categories. 290 million dollars to
9 expand the megawatt block program with continued
10 declining blocks. 111 million dollars for a
11 community adder to support community solar projects
12 that are not receiving a separate utility incentive.
13 135 million dollars for additional incentives for
14 projects benefiting low to moderate income customers,
15 affordable housing, and environmental justice in
16 disadvantaged communities.

17 In addition to at least 65 million
18 dollars in base incentive funding -- funding that
19 will support those groups for a total of at least 200
20 million dollars. 19 million dollars for incentive
21 adders for projects that meet certain specific
22 criteria such as being sited on brownfields,
23 landfills and garages and a total of 16.8 million
24 that covers customer education, the New York State
25 cost recovery fee and additional program

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2 administration costs.

3 Additional program administration
4 costs include a cost associated with a two-year
5 extension of the program timeframe, costs for
6 additional staff to support low income and
7 disadvantaged communities, programs consistent with
8 the increased budgets for those groups and costs for
9 additional staff to assist local governments and
10 developers with siting issues related to distributed
11 solar.

12 A number of comments were submitted
13 with most commenters, including the electric
14 utilities, environmental nonprofits, solar industry
15 groups, solar developers, low income advocates and
16 governmental entities offering general support for
17 the expansion of the New York Sun program. Other
18 comments on the petition fall into three broad
19 categories.

20 First, comments on the level of the
21 community adder incentive. Second, comments on
22 funding and incentives for low income individuals and
23 disadvantaged communities. And third, comments
24 proposing modification to or addition of specifically
25 targeted incentives, excuse me.

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2 One commenter opposed the petition on
3 the grounds of the request for increased funding is
4 not sufficiently justified and that neither the
5 increased budget nor the increased program term are
6 necessary at this time. The draft order before you
7 approves NYSERDA's petition. It finds that New York
8 Sun has been a successful and effective program and
9 that the expansion of New York Sun to meet the new
10 goal is appropriate.

11 Expansion is timely because the
12 C.L.C.P.A. requires the development of an additional
13 three gigawatts of distributed solar by 2025. The
14 development cycle of distributed solar projects can
15 range from several months to multiple years, with
16 larger projects generally taking one or more years,
17 and therefore program and funding certainty must be
18 provided as quickly as reasonably possible to ensure
19 that development is able to continue and accelerate
20 to meet that six -- six megawatt goal.

21 Even during the current pause period,
22 a large amount of planning work including site
23 identification and characterization, outreach and
24 interconnection studies and planning can proceed to
25 ensure that the growth of distributed solar continues

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2 when field work is able to resume.

3 The draft order finds that NYSERDA's
4 funding request is reasonable and appropriate. While
5 the first three gigawatts required more than one
6 billion dollars in funding, NYSERDA proposes to
7 accomplish the next three gigawatts with less than
8 half as much funding reflecting the substantial cost
9 reductions in distributed solar.

10 These cost reductions come from a
11 number of sources including decreased cost of the
12 panels and other physical equipment and to improve
13 economies of scale and decrease soft costs associated
14 with Commission and NYSERDA policies and actions.

15 In fact, the decrease in ratepayer
16 funding needed is even more dramatic than those
17 numbers alone suggest. As the value of distributed
18 resources policy has reduced the implicit incentives
19 provided by net metering through -- through
20 utilities. As the community adder replaces utility
21 incentives, compensation by utilities to distributed
22 solar projects will be based closely to the actual
23 values created by those projects such that
24 incremental cost of utilities will be minimal at
25 most.

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2 Regarding the funding of this
3 increased budget, the draft order finds that NYSERDA
4 currently has uncommitted funds that can be
5 reallocated to partially cover the incremental
6 budget. Therefore, NYSERDA is authorized to
7 reallocate uncommitted funds originally collected to
8 fund renewable energy, and fund as much as two-fifths
9 of the incremental budget of 573 million.

10 With regard to the remainder of the
11 funding needed, the draft order states that the
12 Commission will consider this during the midterm
13 review of the Clean Energy Fund. That will provide
14 the Commission with the opportunity to conduct a
15 holistic review of funding available, the amount of
16 funding needed to support C.L.C.P.A. and other state
17 goals and current collection schedules.

18 The draft order anticipates that the
19 Commission will allocate funds in that order to
20 support the full extended New York Sun budget. This
21 avoids any short-term ratepayer impact that is
22 consistent with the principles of exhausting
23 uncommitted funds before increasing collections and
24 would consider a few collections on a holistic basis.

25 Specifically, with regard to the

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2 community adder, the draft order recognizes that a
3 number of commenters argue that the amount proposed
4 by NYSERDA, 18 cents per watt is too low and
5 represents an excessive reduction of 20 to 30 percent
6 from the Community Credit incentives. The draft
7 order finds that a major issue of disagreement
8 between NYSERDA's projection of necessary incentives
9 and the analysis by commenters is that NYSERDA has
10 included significant savings related to consolidated
11 billing, which will not be in -- in operation until
12 2021 at most utilities.

13 The draft order finds that it is
14 appropriate for the community adder to be divided
15 into two or more blocks such that near term projects
16 receive a community adder of more than -- of more
17 than 18 cents per watt. And later projects, which
18 can take advantage of consolidated billing from the
19 outset, receive a community adder of 18 cents per
20 watt or less with the overall budget held constant.

21 The draft order directs NYSERDA about
22 details on the updated community adder block
23 structure and its updated New York Sun operating
24 plan. With regard to the funding dedicated to low
25 and moderate income customers for disadvantaged for

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2 affordable housing and environmental justice
3 communities, the draft order finds the total
4 allocation of at least 200 million dollars to support
5 those sectors is appropriate and is consistent with
6 the C.L.C.P.A. requirements.

7 As part of this petition, NYSERDA
8 filed a framework for solar energy equity containing
9 details on how that funding -- on how those funds
10 will be used. The framework describes a number of
11 worthwhile programs and reflects NYSERDA's outreach
12 to and collaboration with community and advocacy
13 groups. Draft order directs NYSERDA to continue such
14 collaboration and also directs detailed reporting on
15 performance in these sectors to ensure that
16 sufficient progress is made.

17 The draft order supports NYSERDA's
18 inclusion of added incentives for projects that offer
19 additional benefits to the achievement of other state
20 goals, including projects sited on brownfields or
21 land fields, projects utilizing a parking or rooftop
22 canopy design. And the draft over also directs
23 continued development of a program to offer support
24 and incentives to projects that are designed to
25 maximize agricultural and environmental co-benefits.

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2 NYSERDA's petition also proposed a
3 change to the remote net metering rules. While
4 C.D.G., Community Distributed Generation allows the
5 participation of many customers in a single project,
6 remote net of metering rules continue to limit
7 funding participation to a single customer who must
8 also own or lease the project site they have. This
9 can limit the options for medium and large non-
10 residential customers and increase costs for those
11 customers or solar developers and ultimately for
12 ratepayers through the need of increased incentives
13 for the community solar program.

14 Therefore, the draft order authorizes
15 a remote crediting program for projects receiving
16 value stock compensation that will allow a single
17 large project to serve multiple non-residential
18 customers. To avoid the use of remote crediting
19 where community solar would be more appropriate, each
20 project shall be limited to serving ten total
21 customers.

22 The draft order -- draft order
23 recognizes the COVID-19 pandemic has had and
24 continues to have significant impacts on the clean
25 energy industry. But the Commission and NYSERDA have

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2 taken action to address those impacts including
3 suspending interconnection deadlines and accelerating
4 certain incentive payments. However, COVID-19
5 pandemic impacts may create a need for further action
6 to support distributed solar development.

7 Therefore, NYSERDA is directed to file
8 no later than 30 days after the issuance of this
9 order, a report on any material changes resulting
10 from the impacts of the COVID-19 pandemic on the
11 distributed solar industry and particularly, the
12 ability of the solar industry to serve and support
13 disadvantaged communities. Comments from interested
14 parties on that report will be invited and the
15 Commission will then have the opportunity to consider
16 any proposed action.

17 Overall, this order by continuing and
18 accelerating the pace of distributed solar deployment
19 in New York State will support the development of a
20 clean distributed dynamic and efficient electric
21 grid. The expansion of New York Sun will drive this
22 development while continuing the trend of reduced
23 prices and associated reduced incentives.

24 The plans presented in this order in
25 this -- sorry, the plans presented in the petition

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2 and approved in the draft order will support
3 substantially increased participation in and benefit
4 to low and moderate income customers and
5 environmental justice in disadvantaged communities
6 and distributed solar programs.

7 With the expanded New York Sun, New
8 York's pattern of nation leaving -- leading
9 achievements in distributed solar will continue.
10 Thank you, Tom, Warren, Marco, and I are available
11 for questions. Anyone speaking? I'm not -- this is
12 Ted Kelly, I'm not hearing anybody else.

13 COMMISSIONER BURMAN: I think the
14 chair needs to unmute everybody.

15 CHAIR RHODES: I'm sorry. I unmuted
16 it. I'm sorry about that. Thank you, Ted. Thank
17 you. Commissioner Burman. I'm going to support this
18 item, I find it's a timely item. I find it's a
19 responsible item and I find that we continue to
20 support smart cost effective solar energy projects
21 that deliver energy, environmental and economic
22 benefits to all New Yorkers. So thank you.
23 Commissioner Burman.

24 COMMISSIONER BURMAN: Thank you so
25 much. I appreciate the opportunity to speak on this

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2 important matter. When I look at this, I am looking
3 at the three things that this order is -- among other
4 things the three primary things that this order seeks
5 to do. One is -- and this is -- just seeks to extend
6 through 2025, the New York Sun program from 2023 to
7 2025.

8 It seeks to allow additional funding
9 of 573 million dollars from ratepayer funds and it
10 seeks to modify the rules on VDER remote crediting to
11 allow multiple large non-residential off takers on a
12 single project. That also sets up as sort of as a
13 lower tier threshold.

14 Some other things for NYSERDA to do as
15 it relates to continuing to work with D.P.S. and
16 others on the C.D.G., D.C.A. issues that are in
17 another pending petitions as well as to step forward
18 shortly report on the ways that COVID-19 has affected
19 the solar community and allows other stakeholders to
20 engage on that.

21 Is there anything else Ted, that you
22 think from a high level that I'm missing to -- to
23 highlight?

24 MR. KELLY: I-- I think that covers it
25 fairly well. I guess the only thing that I kind of

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2 like to highlight in addition to that is the
3 substantial increase in the proportion of funds
4 dedicated to disadvantaged communities.

5 COMMISSIONER BURMAN: Right. Thank
6 you. Yeah, the funding we do have in the order, how
7 it is getting delegated to different paths. It's
8 pretty much track, if not exactly -- almost exactly
9 what was in the NYSERDA petition.

10 I am -- I am looking for clarification
11 in the order and just maybe explaining it a little
12 bit, Ted. The order talks about allowing the
13 additional funding of 573 million. It has that in
14 the ordering clause. But then it also has that and
15 that goes one through 2025. So the funding levels
16 increase by 573 million.

17 Then the second ordering clause says
18 that NYSERDA is authorized to use uncommitted funds
19 in an amount of up to 230 million for incremental New
20 York Sun activity. So the discrepancy between the
21 573 million and the 230 million, could you explain
22 that?

23 MR. KELLY: Yes, absolutely. This is
24 Ted again. So this is, it's similar to the
25 Commission's approach and initially approving the New

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2 York Sun program. The total budget of 960.6 million,
3 that only approved the first year that in advance of
4 the Clean Energy Fund order. And what this
5 essentially allows NYSERDA to do and also creates
6 within the market is a relatively high level of
7 certainty for planning about the total amount of
8 funding.

9 But in the -- in the short term, in
10 advance of the Commission acting on the -- on the
11 remaining funding about the 230 million, NYSERDA only
12 have access to that 230 million and would only be
13 able to actually make -- either spend certainly but
14 or even make commitments on that 230 million.

15 So this order sort of provides the
16 directional guidance that the Commission overall
17 approves of the full amount and expects to allocate
18 that amount -- allocate the specific funds from the
19 remainder of that amount at a future date. But it
20 does essentially leave the -- leave to the Commission
21 to provide that allocation and NYSERDA wouldn't be
22 able to actually spend above the 230 unless and until
23 the Commission authorizes those additional, whether
24 it's collection or another reallocation of funds from
25 a different source.

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2 COMMISSIONER BURMAN: Okay. Thanks
3 for that clarification. And then potential new
4 funding would be looked at in -- during the triennial
5 clean energy review, which is currently underway, is
6 that correct?

7 MR. KELLY: Yes, that's -- that's
8 correct.

9 COMMISSIONER BURMAN: Right. So it
10 does seem that -- that there's a nod that we may be
11 looking at increased new funding on top of the
12 increased funding that's taken from uncommitted fund
13 of the 573 million in addition to what's already been
14 given out, is that correct?

15 MR. KELLY: Sorry. Increased new
16 funding in terms of?

17 COMMISSIONER BURMAN: Potential new
18 funding collected.

19 MR. KELLY: Oh, yeah.

20 COMMISSIONER BURMAN: Under the
21 current?

22 MR. KELLY: Yeah. Potentially, yeah,
23 that's, you know, that's something we looked at in
24 the clean energy fund review. So the full
25 availability of any uncommitted funds or any funds

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2 that, you know, currently might be supporting
3 programs that the Commission might choose to modify
4 or reallocate, but -- but certainly one possibility
5 could be the need for additional overall funding,
6 including through additional collections.

7 COMMISSIONER BURMAN: Okay. Thank
8 you. I'm really concerned at this time of not only
9 extending the program through 2025, which means that
10 the collections continue, but also allocating
11 additional funding albeit, it may be from uncommitted
12 funds, it's reallocating those uncommitted funds and
13 also then teeing up that we may be looking at in the
14 Clean Energy Review new funding that would be
15 collected.

16 This gets to the point I had last
17 session on the Offshore Wind. When we consider
18 giving more money and expanding programs to NYSERDA,
19 we need to attach substantive real conditions
20 designed to foster prudent choices and decision
21 making by NYSERDA and accountability to ratepayers.
22 It's not enough to me that we have given the order
23 indicated that we are looking for NYSERDA to review,
24 to report back to us the performance and needs of the
25 industry and is directed to file no later than 30

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2 days after the issuance of this order, a report on
3 any material changes resulting from the impacts of
4 the COVID-19 pandemic on the distributed solar
5 industry and particularly its ability to support
6 disadvantaged communities.

7 I feel like what we should really be
8 doing is asking NYSERDA to report on that now and
9 give us information that can be helpful either
10 supporting or not supporting the need for the
11 shifting of these funds and the potential for what we
12 may need to look at in the extension of the program.
13 Doing this in this silo with COVID-19 really concerns
14 me because as we've seen even from, you know, last
15 session, what we saw as a need to move quickly on
16 something didn't necessarily mean that NYSERDA did.

17 So my concern is that, you know, we
18 have more skilled renewable solicitation on -- on
19 pause. We have the Offshore Wind solicitation on
20 pause. We have a number of other things that are on
21 pause. And so the only thing that's not seeming to
22 be on pause is the movement of funding and extension
23 of programs that have ratepayer dollars attached to
24 it. And that's something that I am concerned about.

25 As I look at it, I also see we have

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2 repeatedly more or at least twice extended NYSERDA's
3 -- or granted NYSERDA's request to further extend the
4 filing of their annual investment plan and progress
5 report, which includes the annual C.D.F. metrics and
6 financial reports. I do believe that this could be
7 helpful to us not only for the New York Sun program
8 but all programs.

9 This report has traditionally been one
10 of reporting the progress or lack of the progress of
11 what's been made from the prior year through the
12 December timeframe. So that information could be in
13 the report already and is really just a reporting of
14 that information that is helpful to the extent that I
15 don't see how we can move forward on approving that
16 without the information that's necessary as a whole
17 in looking at some fiscal respond -- fiscal
18 information from NYSERDA, I find that troubling.

19 I want to see that information rather
20 than allowing them to, you know, get granted their
21 further extension request because that information
22 can be helpful. So I would -- in my opinion, we
23 should be not moving forward on New York Sun until we
24 have all that critical information, including the
25 very issue that we're asking them in the order to

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2 provide to us on future actions on the direct and
3 indirect effects of the COVID pandemic on businesses.

4 I do recognize that NYSERDA in -- in
5 its -- is a true -- truly trying to help and truly
6 trying to engage and communicate with folks on issues
7 of top priority. But my fear is that we're not
8 looking at this in a more holistic and fair process
9 that's taking into account all issues as it relates
10 to energy that's important for us to look at and
11 through that lens and perspective, I think it's
12 really important.

13 Even before the COVID-19 issue, I had
14 concerns with this petition. I think I'm most
15 persuaded by looking at all of the -- all of the
16 papers and briefs that have come in on this by
17 multiple intervenors, I think really well -- well
18 written and -- and well analyzed opposition to this
19 petition. They make really, I think, three points.

20 One, that incremental funding of the
21 New York Sun program is premature at this time. That
22 was -- and may be even more magnified now with COVID.
23 Point two, the need for additional funding for New
24 York Sun must be evaluated in the context of other
25 policy initiatives already being funded by

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2 ratepayers. And three, the Commission should
3 reevaluate the propriety of collecting costs
4 associated with New York Sun and other initiatives
5 from customers on the volumetric basis.

6 I do think that NYSERDA has tried in
7 good faith to put forward a petition for us. But
8 like -- like other petitions, I don't think this one
9 passes the appropriate protocols for us to vote on
10 this. I think like we have in the past if we get
11 petition that needs to be flushed out more especially
12 as it goes to the implementation of their program for
13 utilities business, I think NYSERDA should be asked
14 to submit a more detailed plan on what they plan to
15 do specifically and how this will actually directly
16 benefit all customers, I think is appropriate, rather
17 than really trying to just give them, you know,
18 allowing them to have this without necessarily the
19 appropriate implementation guardrails.

20 I point out that the petition itself
21 doesn't actually advocate for modifying the rules at
22 this time on VDER remote crediting to allow multiple
23 large non-residential off take on single projects.
24 In fact, if you look at it, on page 25 of the
25 petition, they go into the three things, reduced

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2 restrictions on multimeter VDER's, opt out for
3 community choice aggregation, and utility
4 administrators -- administer community solar
5 enrollment for low income customers.

6 They respectfully request that the
7 Commission give those recommendations further
8 consideration in a appropriate forum but are not
9 necessarily asking for that to be done now. In fact,
10 their petition only really is asking for an order
11 authorizing the allocation to NYSEERDA of 573 million
12 in additional funds for the New York Sun program and
13 extending the administration of the program to
14 calendar year 2025.

15 So I personally think even if we were
16 -- even if I was persuaded to agree with the
17 petition, I would not extend it other than those two
18 specific things. And -- and even, you know, from my
19 perspective, those two requests even from when it was
20 submitted, they submitted it back in November 25,
21 2019 -- November 25th 2019, they did not update their
22 petition in light of COVID-19 to make a argument on
23 why now this should move forward and since a lot of
24 what they have done has also been appropriately so
25 cautiously, you know, not moving completely forward

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2 on -- on some of the clean energy things, but really
3 being mindful of the potential need to pause, I think
4 that needs to be asking them to update the petition
5 in some fashion.

6 COMMISSIONER BURMAN: Before we vote
7 on this rather than just having a section in there on
8 giving them, you know, an opportunity after the fact
9 to update us. So that looks to me more about
10 updating us on other issues we may have come before
11 us rather than this very critical issue. The other
12 issue I'm really concerned about relates to the low
13 income community and very much supportive of doing
14 all that we can, I do think we have a framework for
15 solar equity.

16 But the reality for me is that the --
17 there is a recognition that New York Sun has only
18 historically had limited success with L.M.I.
19 customers. I -- I don't believe that we should just
20 allow a framework without much more detail and
21 exactly showcasing how it will be successful, you
22 know, I don't think we should approve that without
23 making them give us a lot more detail the actual
24 structure of a successful program.

25 They have not so far been able to

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2 showcase the success of that and I don't think that
3 we should just say it's okay, because they're
4 expanding this area. I think we should ask them for
5 more information on that. The other issue is -- is
6 that it is not just 573 million dollars, we're also
7 looking at potentially more dollars. But we have to
8 go back within historically, we have already spent a
9 lot of ratepayer dollars in the NY Sun program this
10 does not even include other RGGI funds and other
11 monies that LIPA has spent.

12 And thus, I think it's really
13 important that we look at this because it seems to me
14 a pattern of, you know, allowing additional funding
15 and being told that it's okay because it's just
16 uncommitted funds that are being repurposed. I think
17 we -- that is troubling to me, I think we need to
18 take a little bit more under the hood, look at what
19 that is, especially in light of the -- the challenges
20 we face economically, especially as we have to
21 recognize that one of the factors of residential
22 bills increasing during the pandemic and potentially
23 after, is due to not solely, but is due to increasing
24 -- the increased funds -- the increase of clean
25 energy funding that are occurring. We also need to

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2 look at, you know, the whole picture.

3 And part of the issue of when we move
4 to the clean energy funding CDG standard was so that
5 we were not just looking at this as a folder in one
6 bucket, but rather at the whole, and instead, it
7 seems we still seem to be only going and -- and
8 addressing this in -- in a potentially unfair way,
9 even among the renewable community and that's
10 something that I'm concerned about.

11 So my -- my focus really is on really
12 trying to have the more information from NYSERDA that
13 would make me feel comfortable that this is
14 appropriate and the fact that we are the stewards of
15 the ratepayer dollars is something that gives me
16 pause. And I'm not comfortable at this time without
17 more information in how this -- this and the
18 appropriateness of that and I'd like to see more
19 information from NYSERDA including the filings that
20 are related to the annual investment plan and
21 progress report.

22 But also to the very filing that we're
23 asking them to update us on and report to us by June
24 1st. I don't see that that would be hard for them to
25 do if they had this deadline of June 1st, why not

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2 file their implementation plan and their update and
3 we can look at that and -- and revisit this, perhaps
4 even at the June session.

5 So I'm -- I'm going to be voting no on
6 this and I think we have to really be careful,
7 especially as we have the triennial review coming.
8 And you know that this is really about being stewards
9 of ratepayer dollars, and what makes sense. And I
10 think, for me, the one thing that the -- out of all
11 the things, they're -- they're from page 13 of M.I.'s
12 opposition paper, they said, given all of these
13 policy related programs, it's critical that the
14 Commission in evaluating any new or expanded
15 initiative, whether it be one to promote solar P.V.
16 growth or otherwise, the projected costs thereof, but
17 not be evaluated solely in isolation. But also in
18 the context of all of the other costs being imposed
19 on customers currently and in the future.

20 Frustratingly, it often appears that
21 single expense items and utility rate case costing in
22 the tens of thousands of dollars, while legitimate
23 topics of inquiry received much greater cost related
24 scrutiny than new policy initiatives costing in the
25 hundreds of millions of dollars or more. I think

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2 that's said fairly accurate. They go on in analyzing
3 the petition the Commission should focus first and
4 foremost on the best economic interests of customers.
5 Multiple interveners are very concerned that the cost
6 continues to be imposed on customers.

7 The average rate and price impacts of
8 the Commission's collective initiative will cause
9 energy intensive businesses to increasingly shift
10 production, capital, and jobs, to other states and
11 countries. The ability of customers to fund
12 expensive policy initiatives after extensive policy
13 initiatives, even where well intentioned, it's
14 becoming increasingly limited to non-existent at this
15 point. I think this pre-coronavirus really
16 underscores how much how what we're facing and as an
17 economic regulator concerned about these issues and
18 concerned about the impact on -- on this. I -- I
19 can't vote for this. And so I will be voting no.
20 Thank you.

21 CHAIRMAN RHODES: Thank you very much.
22 Commissioner Alesi.

23 COMMISSIONER ALESI: Thank you, Mr.
24 Chairman. As I'm looking at this and I'm actually
25 excited about the opportunity to move this forward.

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2 I think that it will induce those people and entities
3 that are already active and present in the energy
4 market to follow along in pursuing these kinds of
5 cost reductions and benefits to customers and the
6 system itself.

7 I think that accelerating the
8 development of a clean and efficient electric grid is
9 something that we should be focused on and in fact we
10 should be pursuing it as quickly as we possibly can.
11 Those communities that are disenfranchised possibly
12 to use things like brownfields for location, even
13 agricultural.

14 And I think we, moving things forward
15 make exemption because we can take advantage of what
16 things they can offer us for the year 2025 a few
17 years earlier and taking advantage of what the future
18 has to offer today. So I'm certainly going to
19 support this.

20 CHAIRMAN RHODES: Thank you very much.
21 And we just had some audio interference, so I don't
22 know if it's the technology or the connections, but
23 if anybody who is not speaking is not unmuted,
24 please, please, please mute yourself. Commissioner
25 Edwards?

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2 COMMISSIONER EDWARDS: Yes, hi, good
3 afternoon. I am --I see, excuse me, I see the New
4 York Sun as a piece to a larger puzzle. I am
5 definitely concerned about the funding and the
6 accountability of that. But I am also just as
7 concerned about process accountability and alignment.
8 Especially, you know, given NYSERDA's pause from the
9 approval that we provided last month.

10 I am -- am concerned that what we have
11 in here that's going to benefit the low and middle
12 income communities actually happen. And that we do
13 not wait too late to find out if there needs to be
14 some sort of adjustments to make sure that it bears
15 fruit. For example, we've made some changes in how
16 we the -- the adder in the desired flexibility, but I
17 think that there was some unintended negative
18 consequences that impacted how those programs were
19 going to move forward.

20 So from my perspective, I definitely
21 am going to support it. I just want to make sure
22 that we get closer to the funding accountability, the
23 process accountability, and the alignment of these
24 initiatives to make sure that they are in fact doing
25 what we expect them to do.

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2 So my question is, what would be the
3 first opportunity for us to do that? Because I don't
4 -- you know, I don't want to wait too long. I know
5 that there's a third review -- third quarter review,
6 but how -- what other -- other ways for us to get
7 closer to this, to make sure that this is going to
8 move forward as we expect.

9 MR. KELLY: Thanks, Commissioner, I
10 can --

11 CHAIRMAN RHODES: I --

12 MR. KELLY: Sorry, John.

13 CHAIRMAN RHODES: You go ahead Ted.

14 MR. KELLY: So I'm sorry -- sorry,
15 this is Ted Kelly. I was just going to mention that
16 -- that certainly, there's an opportunity to -- to
17 look at it as early as the Clean Energy Fund Review
18 and see how progress has been in the kind of, you
19 know, couple of months we have between now and then.

20 Other than that, you know, there is,
21 NYSERDA provides a lot of fairly real time reporting
22 on New York Sun, it's something that staff keeps
23 pretty close track of and make sure to provide
24 updates regularly, certainly at least once a year,
25 but we can -- we can do so more frequently to you and

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2 other Commissioners of how quickly they develop this
3 and especially on how successful or not successful
4 the elements of the low income framework are.

5 COMMISSIONER EDWARDS: Okay. I would
6 like to see if there's a way for us to move that
7 annually to quarterly. So if you could just, you
8 know, talk to NYSERDA about that, see what it is that
9 we can do. Because I think it's just critical, you
10 know, especially the low income communities, you
11 know, get the brunt of the environmental injustices
12 right now.

13 So if there are programs that are
14 going to be put in place, we need to make sure that
15 they are in fact working, and that those projects can
16 move forward and that we are not waiting too long to
17 make an adjustment to the program and then those
18 projects cannot go where we want them to go. So
19 other than that I -- I'll be voting in favor.

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

22 COMMISSIONER HOWARD: I also intend to
23 vote for this item. New York Sun, it's actually
24 been, maybe the singly most successful of the
25 renewable generation initiatives that the state has

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2 undertaken. And to that -- and it will go a long way
3 now too in meeting our new statutory goals. However,
4 I am very concerned about committing funds without
5 fully detailing the precise source of those funds, I
6 know we will be doing a broad review of the Clean
7 Energy Fund later this year.

8 But I do share the concerns that I
9 real -- that those who have expressed themselves on
10 the impact of these costs that all customer classes.
11 Again, I think that it's vitally important and
12 additionally, I am also persuaded that we should not
13 be collecting funds without assuring that they'll be
14 spent expeditiously. Rolling up large surpluses of
15 funds, benefits no one and makes ratepayers pay for
16 something that they have yet to get any benefit from.

17 But that being said, I -- I do intend
18 to vote for that and look forward to the -- the
19 reauthorization of the Clean Energy Fund and how we
20 divide those very important ratepayer dollars among
21 various initiatives. Thank you.

22 CHAIRMAN RHODES: Thank you,
23 Commissioner Howard. So I will just observe that
24 there's been a theme here as it relates to
25 accountability. And in addition to the steps that

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2 Ted has pointed out as being actually the way we can
3 respond, why don't we also organize some briefings
4 specifically on these topics, not just to
5 Commissioner Howard, but all the Commissioners. I
6 think that would be helpful and appropriate.

7 With that, I will now proceed to call
8 for a vote. My own vote is in favor of the
9 recommendation to approve additional New York Sun
10 program funding to extend the program to 2025, and to
11 modify the program rules as discussed. Commissioner
12 Burman, how do you vote?

13 COMMISSIONER BURMAN: No.

14 CHAIRMAN RHODES: Commissioner Alesi,
15 how do you vote?

16 COMMISSIONER ALESI: I vote yes.

17 CHAIRMAN RHODES: Thank you.

18 Commissioner Edwards, how do you vote?

19 MR. EDWARDS: I vote yes.

20 CHAIRMAN RHODES: Thank you.

21 Commissioner Howard, how do you vote?

22 COMMISSIONER HOWARD: Yes.

23 CHAIRMAN RHODES: Thank you. The item
24 is approved, and the recommendation is adopted. We
25 will now move to the consent agenda. Any

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2 commissioners wish to comment on or recuse from
3 voting on any items on the consent agenda,
4 Commissioner Burman?

5 COMMISSIONER BURMAN: Thank you so
6 much. I am only going to be flagging that on Item
7 163, I am concurring because it helps to align
8 National Grid with other utilities. However, I
9 flagged that we need to be very mindful of the -- the
10 challenges in giving a waiver on the code of conduct
11 and ensuring that there is a level playing field for
12 others, but also ensuring that we, especially at this
13 time, are doing all we can to make sure that
14 consumers are protected and that other third parties
15 who may not be connected and partnering with
16 utilities are not taking advantage of customers and
17 so we have to be extra vigilant. Thank you.

18 CHAIRMAN RHODES: Commissioner Alesi,
19 any comments or recusals? Commissioner Alesi may be
20 on mute. Let me ask Commissioner Edwards, any
21 comments, or recusals on the consent agenda?

22 COMMISSIONER EDWARDS: The only
23 comment I have is on Suez. I appreciate that the
24 company is going to take some more time to take a
25 look at what they are submitting, I would just

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2 encourage them to continue to do everything they can
3 to decrease the amount of percentage increase. Now,
4 more than ever before we have to really make sure
5 that we're doing everything that we can to ensure the
6 customers are not paying additional rates because
7 they're having a tough enough time paying rates as
8 they are right now. So I want to encourage them to
9 do all they can and more. Thank you.

10 CHAIRMAN RHODES: Thank you.

11 Commissioner Howard, any comments, or recusals?

12 COMMISSIONER HOWARD: Yes, on Item 564
13 Telcom performance on metrics, I noticed that
14 Frontier continues to lag in terms of quality and
15 performance. And this combined with their recent
16 filing for bankruptcy protection, I think needs
17 particular scrutiny. And as more and more of us are
18 home and homebound during this particular COVID
19 crisis, quality telecommunication telecom service is
20 vitally essential.

21 So I would ask staff to remain
22 vigilant on Frontier as we go forward.

23 CHAIRMAN RHODES: Thank you.

24 Commissioner Alesi are you -- are you back and able
25 to unmute?

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2 COMMISSIONER ALESI: I hope you can
3 hear me.

4 CHAIRMAN RHODES: I can now.

5 COMMISSIONER ALESI: Okay.

6 CHAIRMAN RHODES: Do you want a minute
7 to come forward?

8 COMMISSIONER ALESI: My apologies. I
9 was stuck on mute. So I will have no further
10 comments on that until we get to a vote.

11 CHAIRMAN RHODES: Thank you very much.
12 So we now will proceed to that vote. My own vote is
13 in favor of the recommendations on the consent
14 agenda. Commissioner Burman, how do you vote?

15 COMMISSIONER BURMAN: I vote yes,
16 except for Item 163, which I concur on. Thank you.

17 CHAIRMAN RHODES: Thank you.
18 Commissioner Alesi?

19 COMMISSIONER ALESI: I vote yes.

20 CHAIRMAN RHODES: Thank you.
21 Commissioner Edward?

22 MR. EDWARDS: I vote yes.

23 CHAIRMAN RHODES: Thank you.
24 Commissioner Edward -- I mean Commissioner Howard,
25 sorry, excuse me.

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2 COMMISSIONER HOWARD: Yes.

3 CHAIRMAN RHODES: Thank you very much.

4 The items are approved, and the recommendations are
5 adopted. Secretary Phillips, is there anything
6 further to cover for us today?

7 SECRETARY PHILLIPS: This is Secretary
8 Phillips. There's nothing further to come before you
9 today.

10 CHAIRMAN RHODES: Well, thank you very
11 much everybody for participating in this format and
12 in this -- this session. With that, I adjourn and
13 please be safe. Thank you.

14

15 (Off the record, 12:51 p.m.)

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