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STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

MEETING OF THE PUBLIC SERVICE COMMISSION

Thursday, February 26, 2015
10:30 a.m.
Three Empire State Plaza
Agency Building 3, 19th Floor
Albany, New York

COMMISSIONERS

AUDREY ZIBELMAN, Chair
GREGG C. SAYRE
PATRICIA L. ACAMPORA

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

4 CHAIR ZIBELMAN: Good morning.
5 I'm going to bring this session of the Public
6 Service Commission to order.

7 And Secretary Burgess, are there
8 any changes to the final agenda?

9 SECRETARY BURGESS: Good morning,
10 Chair and Commissioners. There's no changes to the
11 agenda this morning.

12 CHAIR ZIBELMAN: Okay. So you'll
13 notice there's three of us, but that's because
14 Commission -- Commissioner Burman is on an excused
15 absence today. So we are not the Holy Trinity,
16 although someone might say that looks like, given
17 the subject today, we're dealing with the book of
18 Revelations.

19 So I -- I want to welcome
20 everyone today to what I think will be a fantastic
21 meeting, and I'm -- I'm very much looking forward
22 to the conversation. And our first subject, of
23 course, is Item Number 201, which are -- are
24 proceeding with respect to the Reforming the Energy
25 Vision. And before I -- I turn it over to Staff,

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2 actually, to make a presentation on the order, I
3 wanted to take a moment and really properly, from
4 my view, set some context up on what we're dealing
5 with and the contours and the policies and the
6 issues that -- that are really before us today.

7 And so a couple things. One
8 is -- this mic is weird -- I want to -- first I
9 want to thank the Staff. I also want to thank
10 the -- our sister agencies, particularly NYSERDA.
11 Also NYPA has -- has provided us a great deal of
12 thought and wisdom on this. Certainly, our good
13 friends at the Regulatory Assistance Project, as
14 well as RMI, who have been helping us through this
15 process and think it through.

16 But most of all, the parties,
17 because when we set out on this we had a vision.
18 We had some concepts of what we wanted to do. But
19 frankly, in the last -- I think it's more than a
20 little twelve months, it's been overwhelming as to
21 I've seen the sort of the engagement of the
22 companies we regulate, the third parties who
23 provide services, the consumer advocates who are
24 very interested in this, the communities who have
25 articulated where their concerns are, and certainly

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2 the technology providers, too.

3 And I think that, as a result,
4 what you're going to see in the order today is
5 probably one of the most far-reaching elements of
6 anything I've ever had to do in my career. But the
7 excitement of thinking about this in a way that
8 handles the issues that are in front of this
9 industry, that does it in a way that I think you
10 will find are comprehensive, they're thoughtful.

11 And if you want to use a sort of
12 a Chinese proverb, you know, we're on a -- really
13 are on a journey of ten thousand steps. We are not
14 certainly near the end. We're neither at the
15 beginning, but I think we're at a -- a very
16 important chapter. And as we frame up the issues
17 before us and the challenges before us, I feel very
18 confident that New York is in the right way of
19 setting forth what does the 21st Century electric
20 industry need to look like.

21 And I -- I applaud the fact that
22 this thoughtfulness of what we're doing is really a
23 reflection, not only of the work again of this
24 staff, but all the parties have been involved and
25 continue to be involved in this very important

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2 process. So before anything, I wanted to thank you
3 for that.

4 The other piece is I wanted to
5 talk about sort of then the context of where this
6 goes and where -- and how we're driving us. So we
7 start, for me, it has to be with the fundamentals
8 of this State's responsibility and this
9 Commission's responsibility, which, of course, is
10 to make sure that the electric service is reliable,
11 that it's safe, that it's affordable, and that we
12 are protecting both the -- the natural environment.

13 And that's a statutory mandate
14 for us. It has driven this Commission, our -- my
15 colleagues here today, but also former
16 commissioners to take a look at how we regulate
17 this industry to make sure we're keeping pace with
18 technological change. And so what we're doing
19 today in many ways is a further evolution of the
20 process that was started, really, when regulations
21 started with one of our great forbearers, Alfred
22 Kahn, but also in terms of when we deregulated the
23 industry, especially the wholesale industry, and
24 now as we talk about how do we make the retail
25 industry that much better.

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2 So this is not sort of the
3 beginning of that story, but really a further
4 chapter and a very important story of making sure
5 that the industry is always delivering what we need
6 to do.

7 The other piece is that we don't
8 operate in a vacuum. While this agency has a
9 statutory responsibility of overseeing electric
10 utilities according to the components I just
11 outlined, we're also part of a larger
12 administration as well as the state -- at the state
13 legislature.

14 And the policy in New York is
15 very clear. We want to make sure that we're
16 delivering electric service, both reliably, but
17 also that we are very much stewards of the
18 environment, and that the commitments that we are
19 making in terms of resiliency, that the
20 legislature's asked us to do, as well as the
21 administration, particularly Governor Cuomo, and
22 looking at things as -- as our commitments to the
23 renewables, to energy efficiency, as well as -- as
24 exhibited in New York Sun and the development of
25 Green Bank, and all the various activities that

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2 we're doing in the state to make sure that, as we
3 meet the electric needs of the -- today and in the
4 future, we're doing it in a way that both maintains
5 affordability, maintains reliability, and also
6 makes certain that we do remain stewards of the
7 natural environment. So all of that needs to be
8 taken into account, too.

9 And then the other thing that we
10 have to recognize is that the distribution
11 utilities and retail markets that we oversee also
12 don't operate alone. We're part of a wholesale
13 market regime. And in that wholesale market
14 regime, which is regulated largely by the FERC,
15 what we're looking at is a wholesale market that
16 prices electricity based on a various thoughtful
17 changes that have made as -- on the basis of the
18 marginal price of the last kilowatt of energy
19 produced to meet instantaneous demand.

20 So when we think about the price
21 of energy and we think about how we plan and
22 develop the grid, what we really need to think
23 about is -- is that on the supply side, the price
24 of power is always going to be at that last
25 kilowatt necessary to meet instantaneous demand and

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2 that, consequently, if we can reduce demand, we can
3 reduce the price of power that we need to procure
4 from the wholesale market.

5 And it's within that sort of
6 framework of statutory responsibility in -- in
7 terms of the fact that we are part of a -- a larger
8 administration, has very much -- also public
9 interest concerns and also part of a wholesale
10 power market that we really have to look at, then,
11 how do we fulfill our statutory responsibility to
12 the consumers in this state.

13 So in doing that, there's a
14 couple things that -- there's another thing that's
15 really remains fundamental, which is, in my mind,
16 the electricity system itself, which everyone has
17 heard me say and a lot of people here are probably
18 sick of me saying, but the fact of the matter is
19 that we can't change the physics of electricity.
20 It's never going to change. We could be as smart
21 as we want to be, but the system is going to work
22 in one way, which is that electricity, unlike any
23 other commodity, is truly a real-time product, and
24 that we operate in an integrated grid, which means
25 that we have to make sure that, one, we maintain

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2 reliability instantaneously.

3 And I could just, you know, to
4 put this in sort of a very quick framework that I
5 think we can all remember from just several years
6 ago in 2003, a tree falling off into a line in Ohio
7 and a power plant tripping off, and nobody
8 making -- nobody being aware of what's going on
9 meant we had a major blackout across the eastern
10 seaboard.

11 In other words, reliability
12 matters. Electricity travels faster than the speed
13 of light, and nothing travels faster than the speed
14 of light, and that therefore we have to make
15 certain that we have an ability to control and
16 manage all times what's going on. So that's --
17 that's going to stay the same.

18 The -- but things that -- but the
19 other things that are changing is -- is that the
20 fact is -- is that when we built the grid in the
21 last century, we assumed that even though the
22 consumption of the grid was fairly predictable and
23 that we had to meet that consumption at all
24 hours -- in other words, we had to keep the grid in
25 balance at all times, the demand was inelastic.

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2 So we built a system around
3 certain fundamentals. We assumed that generation
4 was, one, a monopoly, which subsequent, we decided
5 we didn't need to but that we assumed that -- that
6 economies of scale and scope were there. We also
7 assumed economies of scale in terms of transmission
8 and distribution. So we began regulating the
9 system as a integrated monopoly, and then
10 subsequently, in the late -- in the 1990s,
11 determined that generation of it could be
12 competitive and we could price it at a -- at -- on
13 a competitive basis based on that last increment,
14 but that transmission and distribution would remain
15 a regulated monopoly.

16 But what we didn't change is our
17 thinking is that demand itself, while predictable,
18 would be largely inelastic. And that's what's
19 changing today because what we know is that the way
20 the electricity grid operates is that the -- it is
21 based on the fact that the price is on
22 instantaneous demand and that if we are able to
23 manage demand efficiently, we can drive prices
24 down, both the real short-term prices and long-term
25 prices.

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2 And so in thinking about our
3 obligation on how we manage the retail markets,
4 it's really about what is our obligation to make
5 sure we're not procuring more energy out of the
6 wholesale market at a higher price than we would
7 necessarily have to pay if we incented or paid
8 people or gave them the right signals to reduce
9 demand.

10 So when I take that back to sort
11 of the plain things of where things are going,
12 is -- is that how do we change the role of the
13 utilities to stop thinking in terms of we need to
14 meet -- meet instantaneous demand no matter what it
15 might be, but actually to say, well, how do we
16 manage demand? How do we send the right signals?
17 So that if we can reduce consumption on the grid,
18 we can reduce both the long-term needs, as well as
19 the short-term needs, and that the benefit to
20 consumers is having a reliable electric grid that's
21 potentially cleaner, lower priced, and more
22 resilient.

23 So that's, in my mind when I
24 think about REV, I think of that -- that's what's
25 key to this, is what's changing in the industry

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2 that allows us to think about things differently
3 and why would we make that change. So the big
4 thing is -- is that there are a number of things
5 that we've identified that are really affecting
6 why -- why do we want to make this change today.

7 So one is the fact that when we
8 built the industry up in the last century, we were
9 having demand, and we -- we have some -- there's
10 information in the order that talks about demand
11 was growing about three percent a year throughout
12 New York. That's when we built the grid up. Now
13 demand is slowing so that it's actually, in some
14 areas of the state, it's negative. So we don't
15 have these increases in utilization.

16 At the same time, we've changed
17 both the nature of the economy and also, because of
18 the use of central station power -- of air
19 conditioning, the system itself, has become
20 relatively inefficient, which means that, for us,
21 there are many times that year -- most of the year
22 that we're operating at about eighteen thousand
23 megawatts, but there are a few hours a year that we
24 go up to twenty-six thousand megawatts.

25 Because electricity, again, is

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2 instantaneous, can't be stored, and is a real-time
3 product, we have to build generation that meets our
4 needs during those peak hours of the year. We have
5 to build transmission. We have to build
6 distribution. And that's very expensive because
7 we've identified that if actually if we could just
8 reduce these -- some of these peak hours, we can
9 save consumers in the state between one and a half
10 to two billion dollars a year just by operating the
11 system more efficiently.

12 So one of the things that we're
13 thinking about is one, we built the system the last
14 century. We have to look at replacing it. One of
15 the things that we've identified, and this is --
16 comes out of the New York ISO study, in the next
17 ten years we're going to have to invest maybe
18 thirty billion dollars in the grid compared to the
19 seventeen billion we invested in the last ten
20 years -- in that decade, and that's because the
21 fact we have aging infrastructure.

22 But, unfortunately, if this
23 investment comes in, it has to come in under a
24 smaller base, which means prices would have to go
25 up. So we have to be really careful about making

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2 sure that any investment we put into the system is
3 really value driven and we're not putting in more
4 than we necessarily have to.

5 The second thing that that means
6 is -- is that because, again, the system is
7 becoming relatively inefficient, a lot of this
8 investment is being put in just to cover a few
9 hours a year. So if we can manage the demand and
10 we can manage that peak, we can avoid that
11 investment. So in other words, we have an
12 opportunity to reduce both our long-term investment
13 cost and prices and short-term.

14 The other thing that is happening
15 is consumer demands are changing. Where consumers
16 before were relatively content just to pay their
17 bills at the end of the year -- end of the month,
18 we're seeing more and more consumers wanting
19 control, wanting information, wanting to be able to
20 use distributed energy resources, such as
21 distributed solar or CHP or storage differently.
22 And that provides us both a threat and an
23 opportunity because if we can use these resources
24 intelligently, they can become the major components
25 on how we manage demand and how we drive down

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2 prices in the grid.

3 The other thing that's happening
4 is technology evolution. Where before prices of
5 solar, for example, have dropped substantially,
6 we're seeing, again, great inroads in terms of
7 control technologies, smart thermostats, all sorts
8 of things that are -- people are saying, you know,
9 we can take demand from an inelastic to an elastic
10 resource to one that can be managed frequently to
11 help manage reliability on the system, manage
12 price, and also provide additional resiliency.

13 One of the things that I think is
14 really clear, especially in New York after Sandy,
15 is that we don't want to be in a position where we
16 might have, because of climatic events and a grid
17 that's neither resilient or if in fact if there is
18 outages, that we don't have the ability to have
19 locations locally where there is power that we
20 can -- so that people can be safe.

21 So all of these things are sort
22 of driving us to rethink how this system works.
23 And the other piece, of course, is that as the
24 system -- as our economy has become more
25 digitalized, recognition of reliability of power

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2 and the ability to even avoid just momentary
3 disturbances has become really critical. There are
4 millions and billions of dollars of cost associated
5 in the economy when you don't have a reliable grid.
6 And so that has become even more important.

7 And then unfortunately, the other
8 piece that we are living with is cyber security and
9 physical security. So, again, moving from central
10 station to distributed grids give us all the
11 ability that we have never had before was just to
12 make sure that the grid itself is more nimble, more
13 flexible, more accommodating.

14 And lastly, what's not changed,
15 but is becoming very, very important to us is
16 affordability. I mean the fact of the matter is
17 one of our major concerns and major obligations
18 coming out of this Commission is making sure that
19 as we're moving to make sure that we're meeting our
20 environmental needs, as we're meeting our
21 reliability needs, as we're thinking about
22 resiliency, we do everything we can to maintain
23 affordability of electricity because it is an
24 essential service.

25 It's one that needs to be

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2 affordable, both in a business economy and the
3 residential economy. So everything we need to do
4 has to be judged against is this getting us the
5 direction of where we want to go, meeting our
6 institute -- meeting our institutional goals at the
7 same time of recognizing that we're doing this at a
8 way to drive prices so that the total bill remains
9 affordable.

10 So those are all sort of, in my
11 mind, the major policy things that we're concerned
12 about. And I will turn it over. I'm not going to
13 go on for two hours. But I do think there are
14 several things that I want to lay out. So what do
15 I think is going to change?

16 So the first is that -- then is
17 the vision of how the grid operates. And, you
18 know, I -- I can't help it because I come from the
19 wholesale market. Now we think about the grid
20 typically that on today the grid operators are
21 looking at the weather tomorrow, and they're going
22 to say, well, what's the demand going to be on the
23 system. And then they're going to say, well,
24 what -- how do we then develop the dispatch of the
25 generation and the transmission to meet that

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2 demand. And once they make that dispatch rules,
3 they're done.

4 But what if there's another step
5 in this and the distribution utility says, well,
6 wait a minute? They're going to charge us sixty
7 dollars a megawatt for between two and three p.m.
8 because of what our demand is going to be. But we
9 have customers who say that for forty dollars,
10 they'll back off. And if we pay them forty
11 dollars, rather than paying the generators sixty
12 dollars, we can meet that instantaneous demand at a
13 lower price.

14 And so suddenly, rather than the
15 price tomorrow being sixty dollars, it becomes
16 forty dollars. And if we have enough customers to
17 do that, what that means is that over time we can
18 say, you know what, we don't need those peaking
19 plants that are only going to operate a few hours a
20 year, because we have enough customers who are
21 going to be able to respond to prices and are
22 willing to respond to prices that we can avoid that
23 investment.

24 So both in the long term and the
25 short run, knowing what demand is available and

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2 being able to use it will help us, as a grid
3 operator, reduce prices in the system, as well as
4 increase the resiliency of the system and avoid
5 investment that we can later find is going to be
6 unused. And these things are happening regardless
7 of whether we change regulation or not, because
8 that's where customers are going.

9 But the issue for us is how do we
10 embrace that. So we turn the distribution utility
11 model away from saying, you know, my job is just to
12 deliver to the demand and not really even consider
13 what that demand could be, we'll just let it go, to
14 saying well, wait a minute, maybe I should talk to
15 those customers and say, well, what can you deliver
16 in terms of demand response at different price
17 signals?

18 And so when I tell the wholesale
19 market how much I have to buy, I've already taken
20 into account not as the last resource but as the
21 first resource how much energy efficiency I have in
22 the system, how much demand that could be reduced
23 in the system, and so that the resulting volume I
24 buy from the wholesale market is that much less,
25 and the price to my consumers is that much less,

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2 and the reliability of the grid is that much better
3 because I'm not stressing it out.

4 And that's what we're talking
5 about when we talk about the role of the
6 distribution utility as the integrator. It's not
7 necessarily saying the utility is going to need to
8 own this stuff. It's going to say rather than
9 making a long-term investment, just as we said in
10 the Brooklyn Queens and a new substation, why don't
11 you ask your customers what they can do and what
12 they're willing to do to reduce demand.

13 And that allows us to avoid an
14 investment. It has those facilities available for
15 us both in the long term and the short term, and
16 that's going to drive efficiency in the system. So
17 we need to change the business model to say that
18 the role of the utility then is that the integrator
19 of these resources. Their job is to optimize, not
20 just what happens on the system, but what happens
21 behind the -- the meter to drive greater efficiency
22 and utilization of these resources in a much more
23 flexible grid.

24 And that means that then demand
25 is no longer the last resource we use. In other

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2 words, to avoid the lights going out, we ask people
3 to curtail demand, but actually an integral
4 resource in managing the grid and optimizing the
5 system, both from the generator and all the way
6 down to the load.

7 But to do that, and we're going
8 to talk about this more in what we call our Track
9 Two, we have to change regulation. We have to say
10 not only now is the responsibility of the utilities
11 to integrate these resources, but we need to make
12 sure that the way we regulate utilities changes.
13 Is because today the way utilities make money is
14 under cost of service model that they are really
15 basically -- they make money or they -- they get a
16 return of their investment and on their capital.

17 And so there's a natural
18 disincentive on top of utilities, both regulated
19 and unregulated, to say let's -- let's see a value
20 of reducing demand. But so as a result, it would
21 be natural for utilities to say, you know, if we
22 put in a bunch of distributed resources, that's
23 kind of the end of our business. In fact, a lot of
24 people around the country who they look at things
25 like distributed solar, they raise their arms and

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2 say, hey that's a death spiral. That's going to be
3 the end of the utilities.

4 Well, we don't have to say that.
5 What we can say is if we change the model and we
6 say that the role of the utilities is actually not
7 just to be threatened by distributed energy, but to
8 actually think of it as a customer and they get
9 value out of how much distributed energy they can
10 attract to the system. So rather than thinking
11 about their role as just being threatened, they
12 could say, well wait a minute, if we think about
13 the grid as in a different way and we think about
14 the system in a different way so that -- that these
15 resources actually become customers and partners,
16 and rather than investing in a thirty-year asset
17 that we're only going to need twenty hours a year,
18 we turn to a customer and say, hey if you let me
19 use your behind-the-meter generation and reduce
20 demand for twenty hours a year, I can pay you, and
21 then I don't have to pay for that very expensive
22 asset.

23 And so it really changes the
24 thinking of everybody is to say let's look at
25 demand as a resource, not as a threat to the

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2 system. And that's -- that's very important.

3 The other thing it does is it
4 changes the markets and pricing. It does really
5 say to customers and to people putting in these
6 distributed resources, it's not just so much you
7 need to know your internal cost, you need to know
8 what the value is of the system.

9 And one of the things that we're
10 going to be doing in New York is making sure when
11 people are making investments in resources that are
12 at customer locations or in micro grids or in
13 communities, that they're going to know the full
14 value of that resource so they have as much
15 information as the utility, and we can drive better
16 at better investments that way. And also in a
17 real-time basis, when people can reduce demand, we
18 understand what that value is to the system and
19 they will be compensated so there will be the right
20 incentives to the customers to actually do things
21 that are not only beneficial both for themselves
22 but for the entire system.

23 So that's, when you get right
24 down to it, it's saying demand is a resource, we're
25 going to pay for it, because if we ultimately we

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2 have to keep the grid in balance, and the value of
3 a megawatt is equal to the value of a megawatt.
4 And our job as regulators is to make sure that
5 value is realized and that the job of utilities is
6 to make sure that they're embracing that value
7 because that's how they're going to deliver service
8 in a way that's reliable and -- and cost effective
9 and environmentally sound.

10 So that's what's changing.
11 Demand becomes a primary integral. Primary not
12 first, but an integral resource into the operation
13 of the grid. And we are -- we have to change
14 regulation to do that. That's my long-winded.

15 So what's not changing? So not
16 changing is our commitment to reliability. In
17 fact, I would say that it's even enhanced because
18 the way we can make sure that the system does
19 remain reliable is to reduce stress. And using
20 demand better will reduce stress on the -- on the
21 system and make it more resilient and more
22 flexible.

23 The other thing that's not
24 changing is our commitment to price. One of the
25 things, as I said, is -- is that the whole point of

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2 this is that what drives price in this industry is
3 demand. If we manage demand, we can manage price.
4 And this is what's going to help make it affordable
5 and make sure that we're looking at the total bill.

6 The other thing is not -- is not
7 changing is our commitment to customers. In fact,
8 what we want is we want to make sure that we
9 understand that customers are not a single flavor.
10 There are some customers who are going to say I
11 like it the way things are. I don't want you to
12 change a thing. We need to be able to offer
13 service to them just as it is.

14 There are other customers who
15 say, no, I want to invest in distributed resources.
16 I want to be in control. I want to know what's
17 going on. In fact, my kids will be those sort of
18 people, all those, you know, twenty-somethings
19 because they can't get away from their phones.
20 And, you know, we want to give them that choice.

21 There are people that are going
22 to say, you know, I'm very much interested in the
23 environment, I want to invest in photovoltaic, and
24 I want to invest in storage, and I want to be off
25 the grid, and I want to make sure I'm not penalized

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2 for that. And we're going to say, we're going to
3 give you that ability, too.

4 There are going to be communities
5 that say we want to work together, we want to put
6 in distributed solar and storage and electric
7 vehicles, and we want to be able to work in
8 partnership with the utilities. And we have to
9 accommodate that.

10 So really what's not changing is
11 our -- is our commitment to customers. But what
12 it -- what's changing, and you'll see in the order,
13 is the ability to customers to be able to have much
14 more choice and value on how they participate in
15 the system.

16 Also what's not changing is our
17 commitment to the environment. One of the basics
18 of our fundamental -- of what we're saying is this.
19 As we move to a system that is much more dependent
20 on renewable resources, on solar resources, on
21 clean energy of every type, of energy efficiency,
22 what we want are the market signals, one, that
23 value these resources. And then secondarily, we
24 need a grid that's highly flexible because what
25 happens is -- is if you have dynamic load and you

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2 have variable generation, you don't have to worry
3 anymore that if the wind stops blowing, what am I
4 going to do. Oh, I got to fire up another
5 generator. You can say, no, I can reduce demand.

6 And so the system operates as a
7 whole in a much more flexible manner. And so
8 rather than things like distributed solar and
9 storage and wind becoming problems on the system,
10 they become integral to the solution and a much
11 more cost-effective solution. So we need to manage
12 the grid against that.

13 And the other piece is -- is that
14 we are not changing is our commitment to universal
15 service and affordability. And that -- that
16 remains, of course, the life blood of this
17 Commission, is thinking in the end that electricity
18 is an essential service and it needs to remain
19 affordable.

20 So you'll -- so one of the things
21 that we'll see in the order is that we are looking
22 at the fact that while we're driving and looking at
23 markets, there are low-income customers. There are
24 moderate income customers. And we need to continue
25 to think on a social basis that the best way to

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2 make the system affordable is to make sure that --
3 that these groups of demographics can be part of
4 the system and that they're going to be served and
5 have the same opportunities as people who might be
6 able to afford other choices.

7 We're also not changing our
8 commitment to the utilities. One of the things
9 that we absolutely recognize is that the -- even as
10 we move forward, our utilities are going to have to
11 raise a lot of capital. And it doesn't help our
12 customers at all if these utilities are not able to
13 raise capital in an efficient way. And so we need
14 to make sure, and we'll be discussing this more in
15 Track Two, that the utilities that we regulate and
16 oversee remain very efficient developers of capital
17 so that the prices of energy can stay low.

18 And the other thing we're not
19 obviously changing is the fact is this recognized
20 is that this is a complex system. We're not going
21 to be able to do this in a big bang. The wholesale
22 markets, it took them fifteen years to get to where
23 they are, and they still have a lot of work to do.
24 This is going to be a stepped and gradual approach,
25 but one of the things we're going to be is be smart

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2 about and recognize the complexity.

3 So as the Commission said in
4 December, we're going to look at demonstrations.
5 We want to learn how these business models can
6 work. We want to learn how this technology can
7 work because we're going to be smart. And I know
8 Commissioner Acampora, who continues to remind us
9 of this, we need to be in a position that we take a
10 step forward, we learn from it, and we adjust our
11 actions based on the learning.

12 So one of the things that is very
13 important to me as a policy and a philosophy around
14 making sure, as we're making change, we try things,
15 we evaluate how well they're working, and then we
16 change to make sure it makes better, which means we
17 need a lot of experience.

18 So in the end, I'll turn it to
19 the order, but I think our vision is a very
20 exciting one. It's going to give us an opportunity
21 to really make this electricity system move into
22 the digital age.

23 And just as, you know, I was
24 reminded, which I -- I sort of think is a great
25 thing to think about, as we think about this

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2 journey we're starting together, is that if you go
3 back to 1994, and most of us can remember 1994 in
4 this room, and you took out your Smart phone, it
5 wouldn't work because there's nothing there that
6 could support it. It didn't exist.

7 So as we sort of think today and
8 there are people who may be skeptical and say, oh,
9 what is she talking about, it's not going to
10 happen, technology is moving much faster than
11 regulation. Our job is to make sure that the
12 markets that are developing and the -- and the
13 technology changes that are occurring are able to
14 deliver the greatest amount of benefit, and that
15 we're regulating utilities so they can be the
16 flexible, they can be the drivers of change, and
17 that we're enabling the markets for this to occur.

18 So with that, that's my framing.
19 I'm looking forward to hearing about how we're
20 going to do this, and I will turn it over to
21 Eleanor Stein to lead us through the order.

22 A.L.J. STEIN: Thank you, Chair
23 Zibelman. You made our jobs a lot easier. So good
24 morning to you and to Commissioners.

25 I'd like to ask you -- we have

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2 several speakers and I'll introduce them. Would
3 you like to -- and we're going to each address
4 different segments of the proposed order. And my
5 question to you is would you like to have
6 discussion as we go, or reserve it to the end, or
7 what's your preference?

8 CHAIR ZIBELMAN: End. End.

9 A.L.J. STEIN: Okay. The end's a
10 long way away, but.

11 CHAIR ZIBELMAN: It just got a
12 lot longer from my long-windedness.

13 A.L.J. STEIN: You're free to
14 change your mind.

15 So let me just tell you our sort
16 of order of battle here. I'm going to be speaking
17 about the REV process, the procedures of the case
18 and the involvement of the public in that process
19 which has been very extensive and -- and also very
20 intimate.

21 And Rudy Stegemoeller will
22 explain the creation of the distributed system
23 platform and related decisions about animating that
24 distributed resources market.

25 And Doug Elfner will follow with

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2 a discussion about the impact on customers. So
3 those are the issues about customer information,
4 how do we engage customers in this REV project, and
5 how do we protect customers about -- of possible --
6 against possible, you know, problems that may
7 arise.

8 And Colleen Gerwitz will address
9 large scale renewable resources and utility energy
10 efficiency. Tammy Mitchell will discuss REV
11 implementation, then market and platform technology
12 design processes, the demonstration projects, which
13 the Chair has mentioned, and micro grids. And
14 finally, very briefly, I will take us back for a
15 quick look at what we're calling the REV road map,
16 to look at what comes ahead. And that's
17 information that many people have requested that we
18 provide them. And it is provided pretty
19 extensively in the order.

20 So what brought us to this point?
21 Today's recommendations are not just the result of
22 in-house Staff efforts, but reflect and, I hope,
23 are responsive -- I think are responsive to a very
24 ambitious and comprehensive public involvement
25 process, and the active participation in REV by

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2 thousands of New Yorkers. And it's this
3 participation that really has helped us shape the
4 order that is going to be presented to you today.

5 So here's what's been done. It
6 was less than a year ago, actually, that the
7 Commission instituted this proceeding last April.
8 And that followed preliminary discussions with a
9 wide range of stakeholders and the publication of a
10 Staff report. And the instituting order along with
11 that report became the basis for a major
12 collaborative effort with the parties.

13 So first that was a fact-finding
14 exercise carried out by working groups that engaged
15 roughly three hundred parties. And those working
16 groups gathered data on issues like who is in the
17 market today, who are the -- who are the players,
18 what are the services they provide, what
19 distributed resources are available to us, issues
20 on the engagement of customers, how do we improve
21 that, looking hard at the technology issues, how
22 would you build a platform, what kind of technology
23 would you use, micro grids, the challenges and the
24 possibilities that those present, and the
25 relationship to the wholesale markets.

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2 So these groups filed reports to
3 you in July and they also presented their findings
4 about this data to you in a technical conference,
5 you'll recall, last July. So those were the data
6 issues. They're kind of a fact-finding exercise.

7 And we then moved on to look at
8 the policy issues. We held a symposium with
9 national experts last May. And the parties filed
10 almost seventy comments on the major policy
11 questions.

12 And then we moved on to have a
13 second technical conference, where the parties were
14 able to have a give-and-take with you and with each
15 other on the policy issues that are now before you.
16 And all of that process led up to the crafting of a
17 Staff straw proposal, which was issued last August.
18 And that incorporated the work of these groups,
19 concerns expressed by the parties.

20 We received almost a hundred and
21 twenty comments from parties on the Staff proposal
22 and over one thousand public comments were filed.
23 We then found ourselves the subject of many
24 requests from local political leaders, community
25 leaders, and grassroots advocates that we not only

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2 receive these comments and work with parties, but
3 take the whole show on the road, and come to their
4 communities and their cities, and speak to them
5 about what the plans were in the Staff proposal and
6 hear their concerns and issues.

7 And we held ten public
8 information meetings and public statement hearings
9 in eight different cities. Commissioner Sayre and
10 Commissioner Burman attended, between them, all of
11 them, as well as the presiding administrative law
12 judge and Staff.

13 And so we went to -- we started
14 here and we went to Binghamton and Buffalo,
15 Kingston, New York City, Rochester, Syracuse, then
16 Yonkers. And more than seven hundred and fifty
17 people participated in these meetings, and almost
18 two hundred and fifty people spoke on the record.
19 And that record, of course, is part of the record
20 of this proceeding and it's one of the things
21 before you.

22 A large majority of the speakers
23 supported the REV goals to deploy distributed
24 energy resources, and many expressed concerns about
25 future plans, especially issues of renewable energy

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2 and energy efficiency. And I just want to offer to
3 you what I -- I -- I think we learned from those
4 conversations. And of course, you were there, as
5 well, so I look forward to hearing if this comports
6 with your view, as well.

7 I think if there's one point of
8 consensus, it was that people felt that the status
9 quo was unsatisfactory for a range of reasons. But
10 many spoke to the need to look at alternative
11 resources, renewable resources, energy efficiency
12 to -- and to the need for an energy system that's
13 more resilient, that's affordable, that's
14 increasingly environmentally responsible, and that
15 responds specifically to the concerns of the
16 customers.

17 Both individuals and communities
18 who were represented spoke to their tremendous
19 interest in having more control over their energy
20 usage and also having more input into the larger
21 decisions of how we, as a state, use -- use energy.
22 And -- and they asked for more information. People
23 talked extensively about energy literacy and they
24 wanted more tools to help them manage their energy
25 usage.

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2 And all of these comments, I
3 think, have helped shape the recommendations that
4 are going to be before you today. And overall, I
5 would just say that I think the extent of party
6 involvement in the wide -- and the widespread
7 public interest beyond the parties in engaging the
8 REV project and bringing it to life in their
9 communities across the state and in their
10 industries were very encouraging indications that
11 both the energy industry and the public will
12 continue to be active participants in the
13 development of these new markets.

14 So I'd like to hand this over to
15 Rudy to talk about the creation of the platform and
16 other policy issues that are in the order.

17 MR. STEGEMOELLER: Thank you and
18 good morning.

19 Yes, we will turn to the action
20 items in the order, itself. And I will -- I'm just
21 going to start this by hitting on some of the -- a
22 few of the key points, and then pass it on to
23 others.

24 The order has three basic
25 components. First, it adopts the policy as was

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2 just described by the Chair. I couldn't possibly
3 improve on that. It defines a framework for how
4 the policy will be put into practice. And it lays
5 out an implementation plan for moving ahead.

6 At the center of the framework is
7 the DSP or distributed system platform. Platform
8 is -- is really -- should be thought of as a -- a
9 set of functions that complement current utility
10 operations to create a market and to physically
11 integrate DER into the system operations.

12 I'm not sure if DER has been said
13 yet today, but that's our catch word for
14 distributed energy resources, which includes
15 distributed generation, demand response, storage,
16 and energy efficiency. So you'll be hearing DER a
17 lot over the next few years.

18 There are three types of
19 functions that define the DSP first is integrated
20 system planning, which is basically modernizing the
21 system to accomplish our policy objectives. The
22 second is grid operations, which is the physical
23 balancing of the system, integrating large numbers
24 of DER into -- into the system, DER inputs, and
25 committing and dispatching DER to optimize system

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2 efficiency.

3 And then the third function is
4 market operations. This -- this will -- we expect
5 will develop over time. In it's -- in its early
6 forms, which we're already seeing, there are RFP
7 style procurements like the one in -- that Con Ed
8 is running in Brooklyn Queens. And we're familiar
9 with that. As the communication and data
10 capabilities develop, the markets will accommodate
11 more sophisticated offerings.

12 Ultimately, the vision is for the
13 markets to be -- for the DSP markets to be an open
14 platform where DER providers and customers of all
15 sizes are able to participate in day ahead or -- or
16 possibly real-time markets to optimize the entire
17 system, not -- not just, you know, for example,
18 Brooklyn Queens we have a very targeted need and we
19 have an RFP specified to that need. Ultimately,
20 the DSP markets will -- will be balancing across
21 the whole system.

22 The market will be standardized
23 across the state, not -- not unique markets for
24 each service territory. And it will have to be
25 coordinated with NYISO markets also.

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2 So this is the -- the basic
3 construct that is adopted in the order. There's a
4 lot of detailed work that has to be done on this,
5 obviously. And the order directs a working group
6 process, which Tammy Mitchell will be speaking to.

7 The -- there are also fifteen
8 guidelines for market development in the order. I
9 won't -- I won't read them all. I -- I would like
10 to draw attention to two, though, in particular.
11 One is that DSP products will not be sales for
12 resale under the Federal Power Act. And the other
13 provides for the avoidance or mitigation of local
14 emission impacts, particularly environmental
15 justice areas.

16 This basic construct has very
17 wide support among the parties in the case. There
18 are a lot of opinions on details, but the -- those
19 opinions generally fall within -- pretty squarely
20 within the -- the DSP concept, itself. Where
21 there's controversy, it tends to be over the role
22 of the existing utilities, so that's what we turn
23 to next.

24 Most of the parties supported
25 Staff's position that the existing utilities should

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2 be the DSPs. That includes many parties who will
3 be market participants. But there are also many
4 parties and -- and many public commenters who are
5 opposed to this. Some of the DER providers are
6 concerned the utilities will be biased and will
7 exercise market power. Many local power advocates
8 are concerned that utilities will be barriers to
9 clean, progressive energy solutions.

10 The order finds that the DSP
11 function belongs with the existing utilities that
12 are responsible for reliability on the system. We
13 have heard the concerns of the skeptics, though,
14 very clearly. And the processes that are set up in
15 REV are responsive to those concerns.

16 Most, I'd -- I'd say the --
17 probably the most important element of the response
18 will be the changes in our own ratemaking practices
19 that the Chair mentioned. Until now, utilities
20 have had very little incentive to promote or
21 encourage distributed generation. In fact, they --
22 they essentially have disincentives.

23 The changes and the trends that
24 the Chair described are causing the Commission to
25 take a new direction with its own practices. So

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we'll change the way utilities get paid, basically. So their earnings are tied directly to the success of the markets and promoting DER that will happen in a Track Two order, not in this order. But this order makes it very clear that the success of the whole vision will depend on those changes. And those changes start with the Commission.

Second, for the DER businesses who are concerned about unfair competition, we place limits on utilities' ability to be directly involved in DER markets. And more on that in a minute.

There are also several protective measures written into the order. The PSC will monitor utilities' performance and apply metrics. We will set up a dispute resolution process. We will require internal organizational lines of the utilities to be subject to public scrutiny by having them file their plans with us. If -- if ultimately some form of separation does become necessary, we will order it. In the end, the power to enforce our expectations rests with the Commission.

To the main point, though, on

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2 this, and to -- to be very clear, the DSP function
3 is a utility function, no matter who's performing
4 it. In the end, it's still electricity that we're
5 dealing with here. It's a -- it's a unique
6 product, needs to be constantly balanced, carefully
7 planned and managed.

8 So there's a -- for a long --
9 there's a long list of reasons elaborated in the
10 order. I won't -- I won't go through them all
11 here, but -- but it is simply impractical and
12 redundant to try to carve out the DSP functions
13 from the more traditional utility role. This
14 would -- it would impede the development of the
15 markets. More importantly, it would impair the
16 coordination of market activity with system
17 operations.

18 A related point is the issue of
19 security, cyber security and data security.
20 There's constant threats, ongoing threats.
21 Utilities already spend a -- a huge amount of time
22 and money dealing with this. And it's -- it's a --
23 it's something that will never go away, but we
24 think it would be counterproductive for a new
25 entity to try to duplicate those efforts.

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2 So turning to the ownership of
3 DER by utilities, there are three kinds of
4 concerns. First is that the utilities might
5 exercise market power by virtue of their statuses,
6 the DSP. Second is the utilities would have
7 inherent competitive advantages in information and
8 in financing abilities. And third is that we
9 should favor investment risk that stays in the
10 market, rather than investment risk that is put on
11 customers, where we can.

12 So Staff proposed a framework for
13 utility ownership in the straw proposal. Today's
14 order will be somewhat more restrictive than that.
15 The general rule is that the utilities will not own
16 DER, unless an identified system need is not being
17 met by the market. Three exceptions to this rule.

18 First is for energy storage
19 integrated into -- into distribution system
20 architecture. This would be for purposes of system
21 reliability or enabling the penetration of more DG
22 into the system. This is really an inherently
23 regulated function anyway. It could be described
24 as falling outside the definition of DER

25 The second exception is to

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2 increase the participation in DER activities by
3 customer sectors that are underserved by markets.
4 In particular, this exception is intended to ensure
5 that lower, moderate income customers are able to
6 participate.

7 The third is demonstration
8 projects. And Tammy will speak about that.

9 Utility affiliates present a
10 slightly different question. Generally they are --
11 they will be eligible to participate in competitive
12 markets run by their affiliated utilities, but
13 under certain restrictions. Where an affiliate
14 bids into an RFP, a utility will have to pay for a
15 monitor that will help Staff supervise the fairness
16 of the process as -- as we required in the Brooklyn
17 Queens project with -- with Con Ed.

18 Also the existing codes of
19 conduct for affiliate relations will -- will be
20 examined and approved and there are other tools
21 that we will use if necessary. And that could
22 include market share caps.

23 And with that, who am I turning
24 it over to?

25 A.L.J. STEIN: You're turning it

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2 over to Doug.

3 MR. STEGEMOELLER: Doug.

4 MR. ELFNER: Thank you, Rudy.

5 Good morning, Chair and

6 Commissioners.

7 I'm going to continue Rudy's
8 discussion with -- with detailing the content of
9 the order. I'm going to focus on the information
10 that's necessary for these new markets to work, how
11 to facilitate customer engagement, consumer
12 protections, and what all this means for low-income
13 and middle-income consumers.

14 So starting with information and
15 how to engage consumers, a necessary condition for
16 development of successful markets is the
17 availability of information about available
18 products and services at reasonable transaction
19 costs. The draft order addresses two distinct
20 types of information, system data and
21 customer-specific usage data.

22 System data is information that
23 the utilities possess which DER providers need so
24 they can develop products and business plans to
25 meet system needs with DER services. The draft

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2 order finds that utility system information is to
3 be provided to the markets as part of utility
4 multi-year implementation plans and directs at
5 details regarding the types of system data and
6 timetables be developed by the market design and
7 platform technology working group, which Tammy will
8 discuss in more detail.

9 Regarding customer-specific usage
10 data, DER providers can best design products and
11 services that meet customer needs if they have
12 ready access to customer-specific usage
13 information. One of the most contested issues in
14 the case has been whether customer-specific monthly
15 usage information should be provided on an opt-out
16 basis. The draft order concludes that it should
17 not and that customers should have control over
18 release of all customer-specific energy usage data.

19 Turning to consumer engagement,
20 virtually all parties have recognized the
21 difficulty of changing consumer behavior,
22 particularly for mass market consumers to increase
23 their involvement in energy uses and purchase
24 decisions. All too often, as the Chair talked
25 about earlier, electricity consumers receive a

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2 monthly bill, pay it, devote little or no attention
3 to their usage and purchase decisions and -- and
4 their numerous options.

5 At the same time, the number and
6 scope of new energy related services to assist mass
7 market customers in managing their energy use is
8 increasing dramatically due to the technological
9 changes that the Chair discussed previously, due to
10 actions that you have taken in recent months and
11 due to actions we're taking -- you're taking in
12 this docket.

13 However, consumers seeking
14 information about products and services that may
15 meet their needs often need to invest substantial
16 time and resources to learn what's available, to
17 attempt to compare offers from various vendors, and
18 to make an informed purchase decision. It's very
19 difficult for consumers to make an apples-to-apples
20 comparison of competing offers at this time. The
21 absence of readily available information leads to
22 customer inertia and also to customer confusion and
23 frustration.

24 We've seen, in consumer
25 complaints received by the Department, particularly

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2 regarding ESCOs, that many consumers are confused
3 about their ESCO offerings and the specific terms
4 and conditions of their individual contracts. So
5 we can do much more to make it easy for mass market
6 customers to learn about energy efficiency products
7 and services -- energy related, excuse me, products
8 and services, identify products that may meet their
9 needs, compare and contrast products, and make
10 informed purchase decisions.

11 Tools of this nature are common
12 in today's economy as users of Expedia, Amazon dot
13 com, and numerous other web-based market places can
14 attest. But they're generally not available yet in
15 the energy industry. So a digital marketplace
16 would go a long way to building stronger retail
17 commodity and DER markets for mass market
18 customers, can provide information to help
19 consumers make informed purchase decisions, could
20 help in the development of standard product
21 definitions, could facilitate delivery of
22 customer-specific usage information to vendors that
23 the customer selects, thereby -- thereby addressing
24 the privacy concerns that I alluded to earlier.

25 Of course, this marketplace would

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2 incorporate state-of-the-art protections to ensure
3 the security of customer-specific information.
4 From the perspective of ESCOs and DER providers,
5 the digital marketplace could reduce the cost of
6 acquiring customers, help validate their products
7 in the new marketplace, and develop consumer
8 confidence in retail commodity and DER markets. It
9 could also simplify and expedite transactions
10 between consumers and the vendors they select.

11 Overall, by facilitating the
12 exchange of information at low cost to vendors and
13 consumers, digital marketplace will facilitate
14 vigorously competitive markets and foster
15 development and consumer adoption of innovative new
16 products.

17 The order before you highlights
18 these and other benefits that would result from a
19 digital marketplace, but notes that there continue
20 to be open questions about how this platform should
21 be designed, owned, and operated to achieve our
22 objectives. Options under consideration include a
23 single statewide platform or multiple platforms
24 that may use a similar format. The order directs
25 Staffs -- Staff to further explore these options.

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2 Another important way in which
3 consumers obtain information regarding their energy
4 usage and cost is through their energy bill. The
5 draft order concludes that the format and content
6 of energy bills should be thoroughly reviewed to
7 identify how they could be modified to increase
8 their informational value with the goal of
9 enhancing customer engagement in energy usage and
10 purchase decisions.

11 In addition, the draft order
12 highlights the fact that one of the most
13 significant barriers to consumer engagement for
14 mass market customers can be overcome with
15 consolidated ESCO billing under which the ESCO
16 bills for both the energy and delivery service,
17 directs Staff to investigate and evaluate
18 operational issues associated with consolidated
19 ESCO billing, including how it could be consistent
20 with Commission rules and regulations governing
21 termination of service for nonpayment. The draft
22 order directs Staff to report on progress on these
23 two billing initiatives within six months.

24 Turning to consumer protections,
25 the Commission has established consumer protections

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2 and other rules applicable to providers of
3 commodity service. The key question in this case
4 is the extent to which the Commission should
5 oversee and regulate DER services that are not
6 bundled with energy commodity. Utilities, many
7 ESCOs and consumer groups recommend that DER
8 providers participating in DSP markets be subject
9 to oversight similar to that what the Commission
10 now exercises over ESCOs.

11 Most DER providers assert that
12 they're now subject to regulations and conditions,
13 regulating participation in state incentive
14 programs, and they question the need for further
15 requirements. The draft order concludes that some
16 degree of supervision over DER providers will be
17 necessary to ensure consumer protection while
18 avoiding overly broad or duplicative regulation.

19 Commission oversight of DER
20 products would be applicable in two circumstances.
21 The first is for entities acquiring customer
22 specific data by any means established under the
23 Commission's authority. The second condition under
24 which Commission oversight of DER products will be
25 applicable is the sale of DER products into DSP

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2 markets since utilities will need to rely on market
3 participants to provide the DER that's promised.

4 The draft order concludes that
5 Staff should develop proposed rules regarding the
6 Commission's oversight of DER providers or products
7 and services in consultation with stakeholders and
8 propose a rule by July 1st.

9 Finally, I'll turn to what this
10 means for low- and moderate-income customers.
11 Comments by consumer representatives highlighted
12 the fact that many low-income customers struggle to
13 pay their utility bills, and several parties
14 recommended that the Commission take immediate
15 action to address bill affordability for low-income
16 customers, rather than waiting for utilities to
17 file REV implementation plans. Other parties also
18 emphasized the importance of continuing funding for
19 low-income energy efficiency programs.

20 After comments in this case were
21 filed, the Commission initiated a proceeding to
22 explicitly and thoroughly examine energy
23 affordability programs for low-income customers of
24 energy utilities. This includes the design of the
25 bill discount programs, identification of best

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2 practices, and identification of improvements to
3 enhance program effectiveness.

4 The order before you goes far
5 beyond energy bill discounts in a number of
6 important ways. Creation of an effective
7 marketplace for DER services will benefit all
8 consumers by increasing system efficiency and
9 placing downward pressure on utility costs for all
10 customers. In addition, it will create
11 opportunities for participation by all customers.

12 The Commission has taken action
13 to avoid the possibility of a divide under which
14 there would be limited participation by low- and
15 medium-income customers in DER programs. These
16 actions include the Commission's decision on the
17 New York Sun voltaic -- photovoltaic program in
18 which up to thirteen million dollars was dedicated
19 to support penetration in low- and moderate-income
20 markets, and by initiating a proceeding to evaluate
21 community choice aggregation.

22 This order before you goes
23 further in providing low- and middle-income
24 customers an opportunity to participate in DER
25 markets by allowing utilities to partner with

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2 community groups and/or invest in DER projects on
3 the premises of low- or moderate-income customers.
4 The order also affirms a continuing commitment to
5 low-income energy efficiency programs, as Colleen
6 will discuss further.

7 In addition, the order directs
8 Staff to work with the consumer advisory council to
9 provide direct input related to REV implementation
10 and how it pertains to low- or moderate-income
11 consumers.

12 So that concludes my remarks, and
13 I turn it over to Colleen.

14 MS. GERWITZ: Good morning, Chair
15 Zibelman and Commissioners. I'll be covering the
16 clean energy topics in the draft order.

17 Clean energy deployment at scale
18 is a crucial component to the REV proceeding. It
19 cuts across all sects of the REV objectives. It is
20 in this context the order before you includes
21 actions to advance utility administered energy
22 efficiency programs and a process to ensure the
23 continued development of large scale renewables in
24 New York State.

25 With regard to large-scale

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2 renewables, many parties to this proceeding, as
3 well as many members of the public, have
4 participated in the eight-day -- eight-city REV
5 information and public statement hearings,
6 expressed interest and a need for additional
7 process for determining the best mechanism for
8 procuring large-scale renewables.

9 In response to these concerns,
10 the order before you recommends that a new REV
11 track, a REV large-scale renewables track be
12 instituted. To facilitate the initiation of
13 discussions in this track, the order directs Staff
14 to work with NYSERDA to prepare a large-scale
15 renewable options paper to be issued for public
16 comment by June 1st of this year, and directs the
17 ALJ and Staff to solicit and schedule additional
18 process and comment opportunity to develop the
19 record regarding the key features of each
20 substantive proposal.

21 In addition, the order notes that
22 the Commission has previously directed NYSERDA to
23 conduct a 2015 R.P.S. main tier solicitation. It
24 directs NYSERDA to conduct an additional 2016
25 solicitation while the REV large-scale renewables

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2 track proceeds. NYSERDA is directed to identify
3 funding for the 2016 solicitation in its upcoming
4 Clean Energy Fund supplemental filing.

5 With regard to energy efficiency
6 programs, many concerns were raised regarding
7 targets. At the outset, the order before you
8 clarifies the current 2015 efficiency targets
9 represent the floor or minimum for what will be
10 achieved going forward. Existing utility energy
11 efficiency budgets and targets a -- are maintained
12 for 2016.

13 And while NYSERDA's Clean Energy
14 Fund will be addressed in the future, the order
15 clarifies that we expect the utility targets
16 established in this order, in addition to the
17 metrics established in the Clean Energy Fund
18 proceeding, to equal or exceed the current
19 aggregate of utility and NYSERDA energy savings.

20 To achieve a level of market
21 certainty, a nimbleness to respond to market and
22 technological change and the ability to incorporate
23 evaluation findings and other best practices, the
24 order before you requires the establishment of a
25 three-year rolling cycle where utilities will

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2 annually file three-year budget and metric
3 proposals and companion energy efficiency
4 transition implementation plans or ETIPs. The ETIP
5 will describe the programs and initiatives each
6 utility intends to deploy during the three-year
7 cycle.

8 The initial utility budget and
9 metric plans and ETIPs for the 2016 to 2018 period
10 will be filed by July 15th of this year. Beyond
11 2016, the utilities' plans will incorporate new
12 energy efficiency programs, driving toward more
13 market-based approaches that complement --
14 complement the state's other clean energy
15 activities in fitting within an overall market
16 transformation approach, including NYSERDA Clean
17 Energy Fund.

18 Together these initiatives will
19 serve the ultimate goal of increasing the market
20 penetration of energy efficient technologies. To
21 measure the success of these integrated market
22 approaches, new metrics beyond megawatt hours and
23 decatherm savings are needed. So the utilities, in
24 consultation with NYSERDA and Staff, are directed
25 to propose appropriate supplemental metrics.

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2 In addition, funding levels after
3 2016 must be sufficient to meet existing targets
4 and support a transition toward achievement of more
5 market-based efficiency outcomes. The order before
6 you recommends Commission approval of budgets and
7 metrics at the portfolio level, as opposed to
8 specific program-by-program approvals. This
9 requires the utilities to take additional
10 responsibility for the portfolio's performance
11 while providing them with the flexibility --
12 Commissioner Acampora's favorite word -- to
13 integrate innovative approaches based on the
14 environment in which they are operating.

15 The order, therefore, directs the
16 utilities, in accordance with this responsibility,
17 to collectively develop and maintain their own
18 evaluation, technical resource manual, and benefit
19 cost analysis tools, which should be uniform across
20 the state so that efficiency vendors can more
21 easily operate across service territories. Staff
22 will maintain a monitoring and auditing role --
23 auditing role of these tools.

24 While the order provides the
25 utilities with flexibility to design and implement

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2 their efficiency portfolios, it also directs Staff
3 to initiate the development of a REV energy
4 efficiency best practices guide to ensure shared
5 learning and evolution of programs across service
6 territories.

7 In addition, it requires
8 utilities to include a self-direct program for
9 large commercial industrial customers in their
10 energy efficiency portfolios no later than January
11 of 2017. The utilities are encouraged to form
12 partnerships with large commercial and industrial
13 customers and energy efficiency providers to
14 initiate self-directive and other transactive-based
15 energy efficiency efforts prior to 2017 and include
16 such arrangements in demonstration projects.

17 The self-direct programs will
18 allow large customers to self-direct funds which
19 would otherwise support the utilities' portfolio of
20 energy programs toward the customers' unique suite
21 of energy management investments and allow the
22 customers' energy savings to count towards the
23 utilities' goals.

24 With regard to low-income
25 efficiency programs, the order before you makes a

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2 continuing commitment to fund low-income efficiency
3 programs and identifies NYSERDA as the default
4 provider for these programs with more detail to be
5 provided in the Clean Energy Fund proceeding.

6 In addition, utilities are
7 encouraged to develop innovative programs to expand
8 the reach of measures that include energy
9 efficiency within low-income communities in concert
10 with and not in competition with the NYSERDA
11 efforts.

12 Finally, to support a smooth and
13 effective transition to the new regulatory
14 framework for the Utility Energy Efficiency
15 Programs beyond 2015, the order recommends
16 additional flexibility and guidance during the
17 final years of EEPS.

18 CHAIR ZIBELMAN: Tammy, I think
19 everyone's sort of pointed to you, so we're waiting
20 with bated breath.

21 MS. MITCHELL: I won't disappoint
22 you. Good morning, Chair and Commissioners.

23 As mentioned, I will touch on
24 implementation of some of the REV policies as
25 described in the draft order. The draft order

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2 recognizes that several activities have already
3 begun, including development of and revisions to
4 demand response tariffs, examining long-term
5 alternatives to net metering and the potential
6 development of community choice aggregation
7 programs, the issuance of a memorandum and
8 resolution by the Commission on demonstration
9 projects, and a stakeholder effort to develop
10 market rules and technology platform requirements.

11 I will further discuss these last
12 two activities, that is the demonstrations projects
13 and the markets and technology working groups, in a
14 minute.

15 In its August 22nd straw
16 proposal, Staff recommended a phased approach to
17 implementation of REV, including animation of a
18 platform and markets, distinguishing between
19 near-term actions, transitional measures, and
20 planning toward mature distribution markets.

21 While not all parties agreed with
22 the sequence of the tasks outlined by Staff in the
23 roll -- for the rollout of REV, there was an
24 overwhelming support for a phased approach to
25 implementation. The draft order agrees that a

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2 phased approach is necessary and, further,
3 recognizes that the work of crafting a carefully
4 staged implementation of system capabilities,
5 including the establishment of technology protocols
6 and market rules, will require a significant amount
7 of stakeholder input.

8 As mentioned, a stakeholder
9 process has been initiated to address REV market
10 design and platform technology issues. The primary
11 purpose of this initiative will be to provide
12 guidance for investor-owned utility distributed
13 system implementation plans, or DSIPs, on near-term
14 and midterm market design and platform technology
15 issues. We have convened the market design and
16 platform -- platform technology working groups
17 because we realize how complex and critical these
18 issues are.

19 As we rethink how the new
20 electric system will function, it is essential to
21 invite industry expertise to help us think through
22 these issues, as you mentioned, and ensure the
23 product and guidance that Staff develops with
24 respect to market design and platform technology
25 have been well informed and reflect the best

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2 thinking.

3 Specific topics that will be
4 addressed with regard to market design include
5 market actors and interactions, DSP functional
6 requirements and capabilities, near-term products
7 and transactional mechanisms, and near-term data
8 needs and transparency.

9 Topics that will be addressed
10 with regard to platform technology include
11 technology requirements to support the market, the
12 extent to which universal advanced metering
13 infrastructure is needed or, alternatively, the
14 ability to achieve REV goals through advance
15 metering functionality that can be provided by
16 other technologies, technology deployment strategy,
17 and technology capability requirements of market
18 participants.

19 A report from the market design
20 and platform technology working groups is expected
21 in June. As the report is being developed, other
22 parties to the REV proceeding will have an -- an
23 opportunity to provide input.

24 With respect to demonstration
25 projects, in its December 12th, 2014 memorandum and

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2 resolution on demonstration projects, the
3 Commission recognized the need for demonstration
4 projects in informing REV policy changes and
5 informing the distributed system platform.

6 By notice of the secretary,
7 utilities and third parties were encouraged to
8 begin working together along with communities and
9 other stakeholders to develop demonstration
10 projects. The draft order endorses demonstration
11 principles, emphasizing priority of demonstration
12 projects involving third parties. Further, the
13 draft order directs each utility to solicit and
14 develop concepts for demonstration projects and
15 file initial demonstration projects no later than
16 July 1st, 2015.

17 Because demonstration projects
18 serve a purpose similar to research and development
19 projects, the draft order will not require them to
20 meet the same test for rate recovery as
21 conventional expenditures. Staff will review
22 compliance filings for consistency with the
23 articulated demonstration project guidelines and
24 for a reasonable relationship between costs and
25 benefits of those projects.

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2 Further, the draft order proposes
3 that revenue requirements associated with
4 demonstration projects filed outside of rate cases
5 will be recovered through a deferral or other
6 mechanism. Ratepayer support for all demonstration
7 projects of a utility will be capped at the greater
8 of point five percent of a utility's delivery
9 service revenue requirement or the revenue
10 requirement associated with capital expenditures of
11 ten million dollars.

12 While demonstration projects
13 which can be implemented in the short term and
14 provide quick feedback to inform REV are highly
15 desirable, it is recognized that demonstration
16 projects will be a continuing effort as the
17 implementation of REV develops.

18 I'll now briefly just touch on a
19 couple other topics for which the draft order
20 provides further guidance and process. The first
21 topic is interconnection requirements. In order to
22 facilitate penetration of distributed energy
23 resources and allow such resources to compete on
24 equal footing, the interconnection requirements and
25 procedures must be efficient and expeditious, but

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2 must also recognize the importance of maintaining
3 safety and reliability of the system. Therefore,
4 an appropriate balance between streamlining the
5 process and protecting safety and reliability must
6 be found.

7 The draft order recognizes the
8 need to ensure that utilities are employing the
9 best available analytical process while aligning
10 the utilities' financial interests with the
11 objectives of cost effective and expeditious
12 interconnections.

13 To that end, the draft order
14 requires utilities to improve capabilities related
15 to processing interconnection applications and
16 performing technical analyses, including an online
17 customer portal. The order also recognizes the
18 need for utilities to integrate the DER
19 interconnection process with grid optimization
20 planning which will result in economically
21 desirable DER projects.

22 Finally, the draft order adopts
23 Staff's recommendation that the New York standard
24 interconnection requirements for distributed
25 generation threshold be increased from two

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2 megawatts, as it is currently, to five megawatts in
3 order to better streamline interconnection of these
4 facilities.

5 On the topic of micro grids, the
6 draft order lays out specific policy objectives
7 related to micro grids, including optimization of
8 system efficiency and integration of clean,
9 distributed generation, interconnection to the
10 electric grid, resilience and the ability to
11 island, obligation to provide reliable power, at
12 just and reasonable rates, and consumer protections
13 for residential customers.

14 The draft order recognizes that
15 the development of micro grids will be facilitated
16 if there is more guidance regarding the micro grid
17 configurations that will gain approval. At this
18 time, it would be counterproductive to constrain
19 innovation prematurely -- by prematurely describing
20 the exclusive pathways that micro grid development
21 can take on. Therefore, the draft order invites
22 further comments from parties on the framework
23 described above within two months of this order.

24 Staff will then issue a more
25 detailed proposal for additional comment. Also

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2 because the various ownership and operational
3 configurations of micro grids will affect
4 interconnection approval process, interconnection
5 from micro grids will be addressed within the
6 framework established here.

7 And that concludes my
8 presentation.

9 CHAIR ZIBELMAN: Thank you.

10 A.L.J. STEIN: I'm just going to
11 very briefly walk you through the REV roadmap.
12 This is something that parties and members of the
13 public have wanted to know for quite a while --
14 wanted to know the schedule and what's going to
15 happen next. The suspense is killing everybody.

16 There'll be a complete schedule
17 included in the order, and I just want to touch on
18 three upcoming milestones that are critical for the
19 further development of the REV project through the
20 end of the year -- take us through the end of the
21 year.

22 One of them is the development of
23 a framework for the benefit cost analysis. The
24 second, of course, is Track Two of REV. And the
25 third is the utilities' filings of their

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2 distribution system implementation plans.

3 So first, just a word on the
4 development of the benefit cost analysis. This was
5 an issue much discussed in Track One. Many
6 comments were filed. Many discussions. And the
7 view in the order is that a -- a quantitative
8 benefit cost analysis is a useful tool where
9 quantified analysis forms the basis for decision
10 making. And in that context, a benefit cost
11 analysis is only as valuable as the data that is
12 provided in its inputs.

13 And, therefore, the
14 recommendation in the order is the focus of our
15 benefit cost analysis framework will be on decision
16 points where that is true. So, for example, for
17 utility expenditures associated with the
18 procurement of distributed resources or for energy
19 efficiency programs, we will be employing benefit
20 cost analysis framework. On that note, accounting
21 for environmental and social factors in the benefit
22 cost analysis, which has been a focus of discussion
23 in the proceeding to date and how this should be
24 done, will be resolved in this process.

25 And the first step is going to be

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2 that Staff will be directed to issue a benefit cost
3 analysis white paper for public comment by May of
4 this year.

5 The second major milestone is --
6 is Track Two, of course, and concerning rates and
7 tariffs and values. So in REV Track Two, Staff
8 will issue another straw proposal related to the
9 ratemaking issues and tariff design in the context
10 of performance based and fee based systems that
11 we're looking toward. And that should be issued by
12 June 1st.

13 The issue of stand-by rates
14 applicable to distributed energy resources, which
15 was also much discussed in this case, will be
16 addressed in the Track Two proposals and,
17 ultimately, Track Two decisions, as well as in
18 individual utility rate proceedings.

19 The third milestone I'll mention
20 is the utilities' filings toward the end of the
21 year of their distributed system implementation
22 plans, another acronym, the DSIPs. And this is --
23 all of these other steps, development of the
24 benefit cost analysis, development of Track Two,
25 will be inputs. And the work of the market and

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2 platform design committee all will be inputs into
3 the utilities planning process and will result and
4 be part of their filings. And these -- a central
5 component of these plans will be looking at those
6 issues.

7 The key components of the utility
8 filings on implementation should include the role
9 and the functions of the distributed system
10 platform and the integration of that platform into
11 utility system planning. And each utility will
12 file its plan on December 15th, 2015. Those are
13 the three upcoming milestones.

14 I'll just mention that we also
15 will have two -- we have two upcoming public REV
16 seminars coming up in the month of March, and
17 there'll be information about that on the
18 Commission website.

19 So these actions recommended here
20 today represent a significant step forward. As the
21 Chair said, clearly not the end of Reforming the
22 Energy Vision, and we look forward to continuing
23 party and public engagement and contributions as we
24 proceed. And we look forward to hearing your
25 comments, but first I'm just going to give the

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2 floor to Raj for a moment.

3 MR. ADDEPALLI: I'll pick up
4 after your conversation.

5 CHAIR ZIBELMAN: Clean up batter!
6 So I've said enough. I'm going to actually turn it
7 to my fellow commissioners, but before I do, I will
8 say one thing. I thank you guys. It's a complex
9 order. It's rich. There's much more to be read
10 than -- than we could articulate, despite the fact
11 we've been talking about this for almost an hour
12 and a half. But excellent. Thank you for all of
13 your hard work. And I know there are many, many
14 more folks sitting behind you and in their offices
15 who have contributed.

16 But let me turn it over to my
17 fellow commissioners. Commissioner Acampora?

18 COMMISSIONER ACAMPORA: Wow.

19 That's all I have to say. This
20 has been a monumental effort and the Chair has
21 thanked so many people. But I think, as we all
22 listen to the Chair as the leadoff batter, you can
23 well understand who was the visionary in this whole
24 REV case. And that was our Chair. And this would
25 not have come to fruition and it probably wouldn't

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2 have been talked about for a long time unless she
3 instituted it. So to her, we thank her.

4 This is an exciting ride. It
5 really, really is. I almost feel like I'm in a
6 space capsule, ready, you know, to go to another
7 planet. When you talk about 21st Century, people
8 are yeah, 21st Century and what are we going to do.
9 And we're doing something here today that really is
10 what a century terrain should be about. And we've
11 often talked about what can the Commission do
12 better.

13 And so I think when we go to
14 Track Two is going to be really important because
15 we've actually created maybe some of government --
16 and I just won't say the Commission -- government
17 in general because I've been on -- in other areas
18 of government, that we've created things that have
19 turned the public against utilities and thinking
20 about big businesses and why they do things and
21 it's not fair to them. This is an opportunity for
22 everyone to be involved and to come out with an
23 outcome that benefits everyone.

24 And so today, we take this step
25 forward into this new century, and New York, I'm

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2 proud to say, as the leader. This is something
3 that every state will be looking at. This is
4 something that will go internationally as we move
5 forward. And I think that we have a lot to do and
6 we know that we're going to take baby steps. And I
7 don't know what you call something less than a baby
8 step, but that's the way we're going to proceed in
9 this because it is so reforming and so visionary,
10 but yet, important.

11 And I just have a couple
12 questions. And I'd like to start off, Colleen, if
13 you could get into maybe one of the things, when we
14 started EEPS and we said that when we did EEPS, we
15 knew what we wanted to do but we weren't sure how
16 we were going to do it. And, again, the word
17 flexibility always came to be talked about because
18 there was ever-changing evolution going on in EEPS.
19 So how, again, can we make the measurement and
20 verification something, you know, which drove us to
21 distraction many times -- how can we make that
22 better as we move forward?

23 MS. GERWITZ: Thanks,
24 Commissioner Acampora.

25 One of the key things, I think,

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2 is the cycle that we're trying to put in place in
3 this -- in this order. There's a activity in an
4 appendix or a list of things we'll work with, EEPS
5 working group, to develop a cycle beyond this
6 initial year that we had to set dates for in order
7 to keep the programs going that will ensure the
8 evaluation information that comes -- gets fed into
9 the next round of program design.

10 Because we -- a lot of good
11 information has gotten -- been obtained through
12 some of these studies, our deficiency, I think, is
13 setting up a -- a structure to make sure it gets
14 incorporated. So that aspect, I think, is
15 important, the cycle.

16 And then, as indicated, there is
17 an activity ongoing to look at broader metrics.
18 Megawatt and measuring megawatt hour savings and
19 decatherm savings will remain key.

20 It's not saying those are going
21 away, but we've got to be able to get more, whether
22 it's penetration metrics, other aspects of things
23 that measure the greater effect as we try and drive
24 markets to deliver more of this. So those are some
25 of the activities I look forward to working with

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2 the utilities, NYSERDA, other parties, to -- to get
3 some better metrics and additional broader
4 evaluation approaches as well.

5 COMMISSIONER ACAMPORA: Yeah, I
6 think that's really important because that's
7 something, you know, the Commission has asked for.
8 It took a long time, and as we try to change
9 things, we never really got our thumb on top of
10 that. So I think that moving forward, that that's
11 really important to get done.

12 And, Doug, maybe, again, you
13 know, as you said, we've had some problems with
14 consumers understanding, particularly those who
15 want to change, those who want to step away from a
16 traditional utility and go to an ESCO, but trying
17 to get that information disseminated to customers
18 has always and continues to be a problem at times.

19 MR. ELFNER: Yes, that's true.
20 You and I have had many conversations about this
21 over -- over the years. And -- and I think what's
22 new here is we're really in a position where
23 technology can help us a lot. We've learned a lot
24 from other industries. As I described, we had
25 these digital market places that seemed to be

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2 really working and really creating a -- a -- just a
3 better exchange of information to facilitate
4 transactions in which consumers are informed, they
5 know what they're getting. So we're really looking
6 to take advantage of that in -- in our industries.

7 COMMISSIONER ACAMPORA: And then,
8 of course, you mentioned about low-income and
9 moderate-income families being able to get as much
10 out of this as those who can afford it.

11 MR. ELFNER: That's -- that --
12 that's correct. And really two -- two parts. As
13 you know, the Commission started a -- a proceeding
14 several months ago on low-income affordability
15 issues and Michael Corso is heading -- heading
16 that. But here, we're going further, really
17 ensuring that low-and middle-income customers can
18 participate in DER markets and building on action
19 the Commission has already taken.

20 COMMISSIONER ACAMPORA: Which I
21 think is important, because the Chair had mentioned
22 that this policy shift will allow those who don't
23 want change -- and we know there are a lot of
24 people that don't want change. There are others
25 who may just dip their toe into it and see if they

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2 like it, and then maybe move forward. And there
3 are those who are willing to just jump right in
4 and, you know, swim around in it and really get the
5 benefit of everything that there is to be offered
6 in this new world of technology.

7 And I think that's the most
8 important thing, as was said before, that
9 technology is really running away and that's why
10 this is so important, because if we don't get with
11 technology, we don't want to be left behind. So
12 this is really an important step and an important
13 time to move forward and get the benefit of
14 technology and give it to all New Yorkers and we'll
15 share that information with others outside of our
16 state, too. So I thank everybody.

17 And it was interesting the other
18 day, we had a technical conference in the city.
19 And to see all these people working so hard and who
20 have so much interest and ideas, it's just
21 wonderful to be able to watch all this happen. So
22 I'm really excited and I think this is a very proud
23 day for the Commission.

24 CHAIR ZIBELMAN: Thank you.

25 COMMISSIONER SAYRE: Well, this

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2 is a terrific milestone, a tremendous amount of
3 work. I wouldn't call it a seamless hull because
4 there are a lot of seams between a lot of the
5 pieces that are going to require further reflection
6 and further collaboration. But I'd like to step
7 back for a minute and look at this order through
8 the lens of history.

9 There's some parallels between
10 what I see happening now in the electricity
11 industry and what happened twenty years ago in the
12 telecom industry. We've got successive waves of
13 new technology that are changing the economics of
14 the architecture of the network, and both
15 technology and new market players are giving
16 customers choices that they never had before.

17 For those of you who went through
18 the telecom wars, as I did, you'll remember that
19 the regulators made, I'll say in my opinion, some
20 missteps in trying to deal with changes. I'd say
21 the biggest mistake that was made in telecom
22 regulation was trying to jump start competition
23 with concepts like the unbundled network element
24 platform, which I won't go into the details of,
25 but -- but what these concepts did was give

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2 competitors a way to make relatively easy profits,
3 mostly at the expense of the incumbents, without
4 having any skin in the game in terms of their own
5 investment.

6 In other words, the regulatory
7 framework in telecom, until it was abruptly
8 changed, picked winners and losers in the
9 competitive market.

10 Another mistake I think was made
11 in telecom was trying to move too quickly and all
12 at once, which created disruptions in the market
13 from major regulatory changes that see-sawed back
14 and forth as the regulations developed.

15 In my view, the draft order that
16 we have in front of us avoids these problems. It
17 seeks to create the conditions for a competitive
18 marketplace, but does not pick winners and losers.
19 It envisions that the competitors will have skin in
20 the game, and it moves toward the future much more
21 carefully and, in particular, much more
22 collaboratively than regulation moved in the
23 telecom arena in the 1990s.

24 We're looking at enormously
25 sweeping changes in this market, as well as

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2 sweeping changes in our regulation. Big changes
3 are going to happen, no matter what we do at the
4 PSC or -- or what we don't do. We certainly have
5 less than perfect knowledge about how technology in
6 the markets are going to evolve. That means, as
7 Chair Zibelman said, we're not going to get
8 everything right the first time. We will have to
9 keep looking at how our actions are playing out in
10 the developing marketplace, and we have to be
11 prepared to change course if things aren't working
12 right.

13 But if we have to make course
14 corrections, as I think is highly probable, if not
15 inevitable, we will have to be extremely cautious
16 about disrupting the emerging markets. I think
17 this order strikes a good balance there and allows
18 us to move forward in that mode, carefully,
19 incrementally, and most importantly,
20 collaboratively.

21 CHAIR ZIBELMAN: Thank you.

22 Just one -- one -- couple things.
23 First of all, I think both of you are absolutely
24 right on the pieces. Just because it is so
25 important, I do want to note that -- that the --

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2 your -- your observations about low-income. In the
3 order that we issued in December, we obviously are
4 very concerned about bills. And so the -- I know
5 Michael and Luann are already hard at work in
6 working with some of the consumer advisory groups
7 and coming -- are going to be coming back to us on
8 what kind of discounts we should be offering.

9 But really what this order is,
10 and I think you've hit on it, it's not just the
11 bill. It's not just how we do rates. It's
12 actually how we can reduce cost to low-income
13 consumers. And so what we're looking at is how do
14 we direct programs so we don't end up, using your
15 telephone analogy, with an energy divide that's
16 similar to the Internet digital divide that -- that
17 we're dealing with today.

18 So I think that is an important
19 part, trying to learn from really the past and
20 other -- and other industries that we even oversee,
21 to think about how -- how do we move this forward.

22 The other thing that I think is
23 very important in this order from the experience in
24 the wholesale markets is that one of the things
25 that we -- we know is that the utilities are not

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2 going to always be in the best position to identify
3 what the market wants. In fact, the best position
4 to identify what the market wants will be the
5 market, itself. So one of the things that we're
6 doing with the markets committee is to make sure
7 that we're -- we are, in fact, giving people who
8 want to develop products, have an ability to
9 identify what products and services should be
10 developed in the market so they can provide greater
11 value to consumers.

12 And that, I think, answers a lot
13 of concerns that folks had about utilities involved
14 as the DSPs because it's -- we don't think, and
15 it's not -- and there's nothing to say negative
16 about utilities or negative about regulators. This
17 is going to be -- evolve. We all need to be at the
18 table. And I think a lot of the great deal of the
19 innovation is going to come from the market,
20 itself. And we need to have a process to make sure
21 that -- that these good ideas get done quickly, and
22 there's -- there's a continual, basically, pressure
23 on to continue to see how these markets can develop
24 and a great voice to the Commission.

25 But in addition, as you note and

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2 as Doug note, I mean, we do fundamentally need to
3 make sure that consumers have confidence. And
4 that's why looking at the standardization, looking
5 at some of these rules so that we don't have folks
6 who say, oh I thought I bought a product that said
7 it was thirty percent green and then I found out
8 afterwards it was five percent green, and I feel
9 like I got ripped off. And so those -- those are
10 our concerns as regulators, and -- and we will
11 maintain that concern.

12 And as -- as you mentioned,
13 Commissioner Sayre, it's also making sure everyone
14 has skin in the game because we don't want free
15 ridership in any event because there is really no
16 free ridership. It ends up being paid by
17 consumers, and so we need to have a fair payment
18 scheme and fair allocation. So I -- I think,
19 again, I applaud the Staff in terms of -- and I
20 know under the guidance just of me but also all the
21 commissioners, including Commissioner Burman, we
22 have really thought through and I -- and I'm, you
23 know, very, very happy with this order, and I
24 certainly intend to vote for it.

25 But before we do, Raj has been

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2 sitting here quite patiently.

3 So, Raj, do you want to -- do you
4 have some closing comments?

5 MR. ADDEPALLI: Yeah. Thank you,
6 Chair Zibelman.

7 As a cosponsor director of the
8 REV One Track One team, I want to take just a
9 minute to thank all the Staff members that worked
10 on this case. And a special word for Rudy. Rudy
11 devoted his days and nights and weekends on this
12 project for the last year-plus, and his meticulous
13 attention to detail on every issue of this order is
14 impressive and commendable.

15 Besides the folks up here
16 presenting the material today, as you said, several
17 other Staff members from many offices contributed
18 to this effort over the past year. Thanks to all
19 of them.

20 And departing from the tradition
21 a little bit, on behalf of myself and the Staff
22 team, I'd like to thank you, Chair Zibelman. Since
23 you came on board and laid out your vision, you
24 have challenged us, you have motivated us, and you
25 have guided us through every step in reaching

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2 today's decision. I said before that Rudy's
3 meticulous attention was impressive, but I should
4 admit, and I'm sure he would too, that he could not
5 beat you on this metric.

6 It's been a challenging, yet
7 truly very rewarding experience for the Staff team
8 members to be working on a novel, groundbreaking,
9 visionary project like this. They thoroughly
10 enjoyed it. So thank you for your vision, your
11 determination, and your leadership on this case.

12 CHAIR ZIBELMAN: Thank you.
13 That's -- that's embarrassing.

14 MR. STEGEMOELLER: Okay. I have
15 to, not rebut, but -- but just -- just to say I
16 appreciate that. But -- but there were so many
17 hands and eyes and so many people involved in this
18 that I -- I can't take that much credit and
19 especially because the implication's that any
20 mistakes in here then would be my fault. But I --
21 I fully, fully, fully agree with your -- with your
22 appreciation for everybody else, including
23 especially the Chair.

24 CHAIR ZIBELMAN: That's -- that's
25 Rudy, our middle child. Anyway, thank you all.

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2 So I am prepared to take a vote. All those in
3 favor of Item 201, which is the proceeding regard
4 to the Reforming the Energy Vision, please indicate
5 by saying aye.

6 COMMISSIONER SAYRE: Aye.

7 COMMISSIONER ACAMPORA: Aye.

8 CHAIR ZIBELMAN: No? There being
9 no opposition, the recommendation is adopted.
10 Thank you all.

11 So we're not going to take a
12 break. I know it's a long time, but we only have a
13 quick, couple more items and let's move on it if we
14 can.

15 (Off-the-record discussion)

16 CHAIR ZIBELMAN: Mr. Van Ryn?

17 Speaking of flexibility, our next
18 item is Item 301, which is the petition regarding
19 net metering caps. And Len Van Ryn, who is the
20 managing attorney, will be presenting that to us
21 today.

22 MR. VAN RYN: Good afternoon,
23 Commissioners.

24 At its December session, the
25 Commission addressed monetary crediting at

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2 non-demand remote net metered locations. Those
3 monetary credits were larger than the credits in
4 place at onsite locations, where only comparatively
5 smaller monetary credits or less valuable
6 volumetric credits could be obtained. Therefore,
7 electric utilities were directed to file tariffs
8 that substituted volumetric crediting for monetary
9 crediting at non-demand remote net metered
10 locations.

11 The Commission also decided that
12 it would grandfather developers that have pursued
13 installation of renewable facilities in good faith
14 against the change in crediting methodology to
15 avoid disruption of the state's goals for
16 encouraging renewable energy.

17 That grandfathering was extended
18 to the participants in NYSERDA and New York City,
19 renewable solicitations, to existing remote net
20 metered facilities, and to customers that had
21 entered into interconnection agreements for remote
22 net metering that had been queued by the utilities
23 as of December 11, 2014.

24 At its January session, the
25 Commission clarified the grandfathering provisions

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2 by finding that grandfathering, because of
3 successful participation in NYSERDA or New York
4 City solicitations, includes grandfathering for all
5 actions permitted by a solicitation and
6 grandfathering because of status in a utility
7 interconnection queue is premised upon the date of
8 a preliminary interconnection application.

9 Petitions for rehearing of the
10 Commission's monetary crediting decision and
11 comments on the decision solicited under the State
12 Administrative Procedure Act have been received.
13 Many of the petitioners and commentators request
14 that the tariff filings modifying the monetary
15 crediting methodology be stayed because, otherwise,
16 the development of many net metered projects would
17 be disrupted, posing an obstacle to achieving New
18 York's goals for promoting renewable energy.

19 They also proposed expansion of
20 the criteria for grandfathering, including reliance
21 on letters of intent, other types of contractual
22 obligations, and issuance of R.F.P.s by
23 municipalities and businesses as a basis for
24 awarding grandfathering. Commentators also
25 disputed the effects of the monetary crediting

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methodology and raised the issue of coordinating the replacement of the methodology with the implementation of the soon-to-be-launched 2015 M.W. Block Program for promoting solar voltaic development pursuant to the New York Sun Initiative.

Therefore, proposals for addressing the effects of the replacement of the monetary crediting methodology vary widely and sometimes conflict with each other. A more orderly process for transitioning away from monetary crediting is necessary. To properly manage the transition, the request for a stay should be granted. As a result, the filing of the tariffs replacing the monetary crediting methodology should be stayed until such future time as a date is arrived at in conformance with a transition plan that avoids disruption of net metered generation project development.

In addition, the approach to grandfathering projects against replacement of the monetary crediting methodology is premised upon criteria that reference a December 11, 2014 deadline. Use of that date should be stayed while

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2 methods for accomplishing the transition, including
3 the selection of an appropriate deadline date to
4 the extent necessary, are considered.

5 Finally, Department of Public
6 Service Staff should be directed to prepare, within
7 thirty days of the date of an order here, a
8 transition plan for the Commission's consideration
9 that would result in the replacement of the
10 monetary crediting methodology without disrupting
11 net metered project development.

12 Are there any questions?

13 CHAIR ZIBELMAN: I just have to
14 let people know that Mr. Van Ryn's black eye was
15 not done by me. But we are all sharing it a little
16 bit this moment --.

17 MR. VAN RYN: I want you to know
18 the tire I was changing lost in the long run. Put
19 up a fight.

20 CHAIR ZIBELMAN: So, you know,
21 because it's winter -- it is winter, I have to use
22 this analogy, but it's sort of something I tell to
23 my kids every once in a while when they get a
24 little ahead of their skis. And that's sort of
25 what we did here. We -- I think that the -- our

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2 hearts and minds are in the right place. We need
3 to get this right.

4 We need to make sure the pricing
5 is fair, that it's a fair value and that we're
6 doing the right thing, both in terms of the
7 development of solar, but that we're also not
8 imposing unintended cost on consumers. And so we
9 do need to think this through. We thought we had a
10 solution. It became apparent, as we saw the
11 petitions for rehearing, that we did not quite
12 understand the implications of what we were doing
13 to the market as is.

14 It's certainly not our intent,
15 nor our desire to -- to disturb or disrupt
16 expected -- or anticipated or existing obligations
17 and -- and developments. So we -- it is necessary,
18 really, for us to -- to -- I think to -- to take
19 this stay, and I accept the staff's
20 recommendations, so that we can consider it.

21 But on the other hand, and I
22 appreciate what -- the recommendation here, because
23 I know folks are really busy and they would have
24 liked a break, but -- but we absolutely need to get
25 on with this, because even the uncertainty creates

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2 a certain amount of uncertainty. And so we need to
3 come up with a path forward that people can
4 understand, but it needs to take more input.

5 So I think the stay is the right
6 thing. Having an ability to go back to the parties
7 and the people who are involved and get some -- and
8 have an approach that can move forward that allows
9 us to meet our goals of New York Sun allows us to
10 be equitable, and then also is consistent, I think,
11 with our REV objectives of making sure there's full
12 and fair value for distributed resources is -- is
13 the right thing to do.

14 So I look forward to hearing
15 Staff's further comments on this as you solicit
16 input. And we'll be dealing with this in the
17 future. But that -- I would support the stay. And
18 I think this is, you know, always unfortunate, but
19 the right thing to do to do it now, rather than
20 continue to create this uncertainty and disruption.

21 Any comments?

22 COMMISSIONER SAYRE: I also
23 support the stay. I think this is an example of
24 where we can show that we really are willing to
25 adjust course in midstream if our actions are

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2 causing unintended consequences in the marketplace.

3 I also think that this particular
4 issue doesn't necessarily have an AB type of
5 answer. It doesn't have to be either volumetric
6 metered necessarily or -- I forget the alternative?

7 CHAIR ZIBELMAN: Monetary.

8 COMMISSIONER SAYRE: Monetary.

9 The -- that there may be a fair and reasonable
10 alternative solution that can be developed through
11 a collaborative process, working with all of the
12 interested parties. And I would urge the Staff to
13 look for such a solution.

14 COMMISSIONER ACAMPORA: My
15 favorite word, one word, flexible. Go back and
16 let's get it right.

17 CHAIR ZIBELMAN: So those -- all
18 those in favor of this recommendation to stay, in
19 part, the order raising net metering minimum caps
20 that we issued on December 15th, please indicate by
21 saying aye.

22 COMMISSIONER ACAMPORA: Aye.

23 COMMISSIONER SAYRE: Aye.

24 CHAIR ZIBELMAN: There being no
25 opposition, there hearing none, the recommendation

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2 is adopted.

3 Thank you, Mr. Van Ryn. We're
4 going to have you back. This is your third round.
5 We're going to come back for the fourth round.

6 So now we're going to move to the
7 consent agenda. Are there any comments from the
8 Commissioners on the consent agenda or any recusals
9 or abstentions?

10 Okay. Then I'm going to move for
11 the vote, consent agenda. All those in favor of
12 the recommendations on the consent agenda, please
13 indicate by saying aye.

14 COMMISSIONER SAYRE: Aye.

15 COMMISSIONER ACAMPORA: Aye.

16 CHAIR ZIBELMAN: No? Hearing no
17 opposition, there no -- being no opposition, the
18 recommendations are adopted.

19 I do want to note that one of the
20 items that we have on the consent agenda is an
21 application by the Westchester Community
22 Aggregation. This is actually, I think, our first
23 demonstration project that we're coming in. And it
24 is around community aggregation. It's obviously an
25 area that we are exploring. We're going to

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2 continue to work on it, but this is a preliminary
3 and -- or the -- of a -- the first project in. I
4 look forward to continuing to see this project
5 develop.

6 I appreciate the fact that Staff
7 worked very hard, along with the utilities and
8 other people involved, to get comments quickly. I
9 think this will be a great opportunity for us to
10 see how municipalities can engage with their --
11 with their constituents to deliver value to -- to
12 their customers and to their constituents.

13 So it's a -- it's a -- it's a
14 novel project, and we will continue to work with
15 the group, Sustainable Westchester, who's involved
16 in it. And we also expect, of course, for them to
17 be involved in our broader docket around community
18 aggregation because we will all learn from that.

19 So it is in the consent agenda,
20 but I think it's an important order that we all
21 should look at.

22 With that, Secretary Burgess, is
23 there anything further in front of us today?

24 SECRETARY BURGESS: There's
25 nothing further for today, and the next scheduled

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session is Wednesday, March 25th.

CHAIR ZIBELMAN: Okay. Thank
you. Thank you all.

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

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STATE OF NEW YORK

I, Amy Buchanan, do hereby certify that the foregoing was reported by me, in the cause, at the time and place, as stated in the caption hereto, at Page 1 hereof; that the foregoing typewritten transcription consisting of pages 1 through 98, is a true record of all proceedings had at the hearing.

IN WITNESS WHEREOF, I have hereunto subscribed my name, this the 4th day of March, 2015.

Amy Buchanan, Reporter

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