

Monthly Meeting Public Service Commission - 2-22-18

STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION

MEETING OF THE PUBLIC SERVICE COMMISSION

Thursday, February 22, 2018  
10:32 a.m.

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

COMMISSIONERS:

JOHN B. RHODES, Chair  
GREGG C. SAYRE  
DIANE X. BURMAN  
JAMES S. ALESI

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2 (The meeting commenced at 10:32 a.m.)

3 CHAIR RHODES: Good morning. Let's get  
4 started.

5 I'd like to call this session of the Public  
6 Service Commission to order.

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

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

12 CHAIR RHODES: Thank you.

13 We'll proceed to the regular agenda.

14 The first item for discussion is Item 301,  
15 Case 15-E-0751, which is the Value of DER Eligibility  
16 Expansion Proposal, presented by Ted Kelly, Assistant  
17 Counsel.

18 Ted, please begin.

19 MR. KELLY: Thank you.

20 Good morning, Chair and Commissioners.

21 So as you know, the Value of Distributed  
22 Energy Resources, or VDER Order, issued in March 2017,  
23 directed the transition of compensation for distributed  
24 generation from net metering to the Value Stack.

25 Eligibility to Value Stack compensation was limited in

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2           that Order to projects that were eligible for net  
3           metering, which includes solar, wind, hydroelectric,  
4           anaerobic digester and fuel cell projects, with a rated  
5           capacity of two megawatts or less, as well as combined  
6           heat and power, or CHP, generation units with a rated  
7           capacity between one and ten kilowatts.

8                       The VDER Order explained that to drive DER  
9           deployment needed to meet the State's goals for clean  
10          energy and REV's goals for a distributed, transactive, and  
11          integrated electric system, while limiting impacts on non-  
12          participants, the Commission, Staff, and NYSERDA would  
13          work with stakeholders to implement policies that would  
14          reduce the cost of DER deployment and, in particular, the  
15          soft costs related to the development of these projects.

16                      The Order identified project size as one  
17          area where meaningful soft cost reductions may be possible  
18          as larger projects would benefit from economies of scale  
19          and reduced inefficiencies.

20                      The September Value of DER Implementation  
21          Order found that an increase in the project size cap for  
22          eligible technologies from two megawatts to five megawatts  
23          would provide substantial cost reductions and would fit  
24          within the framework of the VDER goals and polices, but  
25          explained that additional information was needed before an

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2    increase could be implemented.

3                       In response to questions included in the  
4    appendix to that Implementation Order, a number of parties  
5    filed comments related to the capacity increase. The  
6    Joint Utilities filed comments opposing an increase at  
7    this time, arguing that current wholesale market  
8    mechanisms are sufficient for projects larger than two  
9    megawatts, and also proposing that if the capacity  
10   increase be adopted, projects larger than two megawatts be  
11   subject to modified compensation rules.

12                     A number of other parties, including the  
13    NRDC, the Solar Energy Industries Association, and the  
14    City of New York expressed support for the capacity  
15    increase and argue that the same compensation mechanisms  
16    should be used for projects larger than two megawatts as  
17    are used for smaller projects.

18                     Based on current market trends, it does not  
19    appear the projects between two and five megawatts are  
20    feasible with only wholesale market compensation. And  
21    because of that, and because making those projects  
22    eligible will increase economies of scale and efficiencies  
23    that reduce development costs and, therefore, allow the  
24    development of additional projects without increasing  
25    costs to non-participating ratepayers, this Order approves

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2           the increase in maximum capacity from two to five  
3           megawatts.

4                       Projects between two and five megawatts  
5           will receive compensation based on the same Value Stack  
6           rules as projects smaller than two megawatts and be  
7           subject to the same tranche limitations for the market  
8           transition credit such that there is no incremental impact  
9           to non-participants.

10                      Combined heat and power generators are not  
11           included in this size increase. The development of the  
12           Value of DER compensation mechanisms focused on the  
13           attributes of the clean generators that make up the  
14           majority of VDER-eligible projects. The inclusion of and  
15           appropriate compensation of larger CHP generators requires  
16           more detailed analysis which is being conducted by Staff  
17           in collaboration with the Value Stack working group.

18                      Staff plans to release a proposal on  
19           expedited eligibility expansion that will include  
20           recommendations related to weather and subject to what  
21           rules larger CHP generators should be eligible for  
22           participation in VDER tariffs in the near future for  
23           stakeholder comment followed by Commission consideration.

24                      The Order explains that existing generators  
25           between two and five megawatts may opt into the Value

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2     Stack and that existing generators and projects in  
3     development may expand to between two and five megawatts,  
4     subject to compliance with interconnection rules and  
5     payment of interconnection costs. It explains that in  
6     cases of opt-in or expansion or consolidation of existing  
7     projects, the entire project must receive Value Stack  
8     compensation based on the current tranche as applicable.

9           The September also direct -- the September  
10    Order also directed Staff, through the interconnection  
11    policy working group and interconnection technical working  
12    group, to determine whether expanding VDER eligibility  
13    requirements would require changing any aspects of the  
14    standardized interconnection requirements, or SIR.

15           Staff determined that a 2016 update to the  
16    SIR approved by the Commission included -- to include  
17    projects up to five megawatts already provided the needed  
18    guidance for utilities to study and assess the costs for  
19    such projects. As with projects size two megawatts or  
20    below, projects sized at five megawatts or below will only  
21    be able to be interconnected where the interconnection can  
22    be completed safely and without any reliability impacts or  
23    other impacts on non-participating customers, and  
24    developers will be required to pay for interconnection  
25    costs.

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2 Interconnecting a five-megawatt project may  
3 not be possible at all locations and may be cost  
4 prohibitive at some locations. And in those cases, that  
5 will be the outcome of the interconnection process and the  
6 developer will not be able to move forward.

7 Staff did determine that the SIR required  
8 an update to deal with the potential for consolidation of  
9 projects currently under development, that is if there are  
10 two two-megawatt projects or similar sited next to each  
11 other, that, under these new rules, want to combine and  
12 there were not currently rules in the SIR that would deal  
13 with that.

14 An update to the SIR was proposed in  
15 December to deal with that, and the comment period is  
16 currently open. For that reason, developers may not  
17 consolidate projects already in the interconnection queue  
18 until the Commission has acted on those proposed SIR  
19 changes.

20 This Order takes a major step in decreasing  
21 DER project soft costs by enabling economies of scale and  
22 reducing inefficiencies. It will help enable and  
23 accelerate the development of DERs with limited or no  
24 impact on non-participating ratepayers. This scale of  
25 development will drive the clean, distributed,

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2 transactive, and integrated electric system that REV  
3 envisions.

4 I'm available for questions. Thank you.

5 CHAIR RHODES: Thank you, Ted.

6 My own comments are brief. Expanding  
7 access to cost-effective clean energy is a primary goal of  
8 New York State's Clean Energy Standard, which is going to  
9 create enough renewable energy to meet half the state's  
10 electricity needs by 2030.

11 This decision to expand the size eligible  
12 for compensation will further reduce costs and spur the  
13 development of solar power, energy storage, and other  
14 localized forms of generation. It's a sensible and  
15 important item. It seems carefully aligned with existing  
16 elements of our state's approach to VDER and takes good  
17 account of implementation associated with inserting this  
18 expansion into existing processes.

19 I am going to be in favor of this item.

20 Commissioner Sayre?

21 COMMISSIONER SAYRE: As Ted said, we  
22 telegraphed last year, in our Value Stack Order, that we  
23 were going to take a look at increasing the maximum  
24 capacity for Value Stack eligibility from two to five  
25 megawatts. This Order does that, and I support it.

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2    Projects of this size, between two and five megawatts,  
3    we've found, face economic problems, trying to sell  
4    directly into the competitive wholesale market. And  
5    increasing the cap allows larger and, therefore,  
6    presumably more economical and efficient per megawatt  
7    projects to participate in the Value Stack.

8                        So to put it simply, with this Order, we  
9    should get more clean energy at a lower cost. And that's  
10   why I support it.

11                      CHAIR RHODES: Commissioner Burman?

12                      COMMISSIONER BURMAN: I have a couple of  
13    questions. Was there any discussion with the ISO and in  
14    the recent decisions with FERC as relates to the wholesale  
15    market and the impact this may have in what's going on  
16    with the wholesale market and energy market with the --  
17    with energy storage?

18                      MR. KELLY: So I don't believe there were  
19    discussions with the ISO about this specific increase.  
20    Obviously, Staff is in regular discussions with the ISO  
21    about all the FERC decisions and the -- and the changes in  
22    -- proposed changes and changes in the ISO rules.  
23    Projects of this size already are covered by utility  
24    interconnection rules, rather than ISO interconnection  
25    rules, so that's not a change, and also would generally be

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2 covered by utility compensation policy currently by the  
3 buyback rate or, in some cases, for some small hydro  
4 producers, by long-term contracts with the utility.

5                       So -- so these generally, to the extent  
6 that two- to five-megawatt projects existed, which there  
7 are a small number, but -- but there are some, they were  
8 already covered through utility processes, not ISO  
9 processes.

10                      COMMISSIONER BURMAN: Are we doing any  
11 analysis, ourselves, on looking at what it may mean with  
12 the DER road map and the connection between the wholesale  
13 market and what's going on and the connection between and  
14 the linkup?

15                      MR. WORDEN: Actually, we -- we have an  
16 ongoing dialogue between Staff, utilities, and the ISO on  
17 how these projects and projects of this nature will  
18 interact with the ISO projects. There is some overlap  
19 between the two and we continue to work to try to make  
20 sure, you know, whichever rules are applicable for those  
21 projects work seamlessly with the others, so that there's  
22 not a conflict between multiple projects on, say, one  
23 substation or something of that nature.

24                      COMMISSIONER BURMAN: Okay. I have -- do  
25 have a couple questions in particular with the Order,

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2           itself, when I look at it. On page seven, it says that  
3           CORE requests that the Commission clarify to local taxing  
4           authorities that zoning subdivision and permitting rules  
5           and regulations should be adjusted to reflect the revised  
6           cap size. And it talks about CORE states that the  
7           Commission should clarify the revised size cap  
8           concurrently increases the limit on cumulative capacity  
9           projects supporting a single satellite account through  
10          remote net metering to the extent that CORE does seem to  
11          be concerned about clarifying to the local taxing  
12          authorities, just curious.

13                   MR. KELLY: Sure. So with regard to kind  
14          of communication with local authorities and municipalities  
15          in particular on zoning, siting issues, et cetera, NYSERDA  
16          has taken a role in that of essentially educating  
17          municipalities on what the rules are. Whether or not they  
18          should change their zoning rules, for example, really is a  
19          decision to -- for the municipality and not -- not for the  
20          Commission to tell them that those rules should be  
21          adjusted. But NYSERDA will continue their communication  
22          efforts and will, you know, among other things, inform  
23          municipalities that projects up to five megawatts are now  
24          permitted in this -- in this compensation mechanism and,  
25          therefore, may be more common.

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2 The other issue, the -- the limit on a  
3 cumulative capacity, that is related to a Commission rule,  
4 not -- not a municipal rule. It's related to the rule on  
5 when multiple projects are used -- are net metered to a  
6 single site. The Commission found in the past that the  
7 two-megawatt cap should be cumulatively applied to that so  
8 that, for example, two one-megawatt projects could be  
9 remote net metered and their credits applied to a single  
10 site, but not two two-megawatt projects.

11 This Order does clarify that -- this Order  
12 raises that -- the cumulative cap to five megawatts, so  
13 now multiple projects with a cumulative size of five  
14 megawatts can be remote net metered and the credits  
15 assigned to a single site, consistent with CORE's request.

16 COMMISSIONER BURMAN: It does seem like  
17 this Order gives short shrift to the utility intervention  
18 unit's concerns. And on page 11, we say that,  
19 furthermore, while the SEIA rehearing petition is not  
20 being decided at this time, the Commission is confident  
21 that future decisions will ensure that all customers are  
22 appropriately protected.

23 I'm not really sure what that is -- means,  
24 other than that we're saying that we'll make sure that all  
25 future customers will be protected, rather than looking

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2           and addressing the rehearing petition, and maybe being  
3           more specific on exactly what some of the issues are that  
4           UIU has raised that is of concern. And to the extent that  
5           UIU has raised concerns of the pending petition without  
6           resolving that issue is a problem in addressing this issue  
7           -- in addressing this petition.

8                       MR. KELLY: So I think the core reason that  
9           -- that we didn't feel that -- while we appreciated --  
10          appreciated UIU's comments, we didn't feel that they were  
11          reasons to delay this decision or -- or make a different  
12          decision is that UIU's focus, which is very important, is  
13          on ensuring that all customers of CDG projects are --  
14          receive appropriate protections, which the DER Oversight  
15          Order provided. And this Order will not actually increase  
16          the availability of the market transition credit to a  
17          greater number of megawatts of energy and, therefore,  
18          won't increase the total potential number of customers  
19          overall covered by the tranches.

20                      And, therefore, we didn't see a -- a direct  
21          nexus between this Order and putting a greater number of  
22          customers -- providing availability of a greater number of  
23          customers to the providers.

24                      COMMISSIONER BURMAN: Okay. I'm not sure I  
25          fully understand what that said. I think it sort of goes

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2 back to that same sentence, which is really a boilerplate  
3 sentence, saying not really much that gives comfort,  
4 except that we will try to protect all customers without  
5 really much details.

6                       And I do appreciate that all customers will  
7 be protected. However, the eye is in the beholder and I  
8 think that's what UIU is trying to get at. And to the  
9 extent that we have a pending petition, that needs to be  
10 resolved, that we may not feel is necessary to the extent  
11 that, you know, it's an issue and we might need to and UIU  
12 as the -- in this case, the one consumer advocate speaking  
13 on it, you know, does seem that -- would -- might be  
14 advantageous to us to resolve it to the -- you know, at  
15 least -- I at least err on the side of -- would be mindful  
16 of that. So it does concern me. So I raise it as an  
17 issue.

18                       MR. AGRESTA: The clarification he made was  
19 that UIU is concerned about expanding eligibility. And he  
20 pointed out that expanding eligibility is not going to  
21 expand the number of customers who are eligible.

22                       COMMISSIONER BURMAN: Thank you.

23                       In the interconnection applications on page  
24 17, it talks about Staff consulted with the  
25 interconnection policy working group and the

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2           interconnection technical working groups on the potential  
3           impact of increased project capacity, and submitted  
4           proposed SIR changes as a result of that discussion. The  
5           comment period's currently open on those proposals and,  
6           therefore, the Commission won't make a determination on  
7           the proposed changes at this time.

8                       I do believe there have been some comments  
9           that have come in from that.

10                      MR. KELLY: I don't know for certain. I  
11           know -- I believe there was a comment date and a reply  
12           comment date. I don't think either had passed yet, but  
13           it's possible that some parties filed comments early. I -  
14           - I -- I can't say for certain.

15                      COMMISSIONER BURMAN: Okay. I do think  
16           those are important. And obviously, this is one piece of  
17           the puzzle and some of those discussions are relevant to  
18           the overall picture. I am concerned that we are deciding  
19           this in a vacuum. And I do think that to the extent that  
20           we are rushing to decide this and not necessarily looking  
21           at all of the pieces and we haven't matched it up. I do  
22           understand it's not going to be a perfect picture. We are  
23           going to have to make some decisions without necessarily  
24           having all of the information.

25                      But to the extent that part of what I am

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2           concerned about is that this Order lays out a number of  
3           things that we are still waiting for. And somehow, we  
4           didn't seem to match it up so that we would have the  
5           information. And I'm wondering why we aren't waiting for  
6           the information with the SIR, at least, to make a more  
7           appropriate discussion or more appropriate decision based  
8           on that?

9                           MR. KELLY: I think with respect to the  
10          SIR, there was the -- a Commission decision back in 2016  
11          that approved the inclusion of projects up to five  
12          megawatts in the SIR. And so what really came out with  
13          the discussion in the interconnection working groups was  
14          that for new proposed projects or for expansion of  
15          projects, there really were no SIR changes needed because  
16          it already provides for projects, in general, but also has  
17          some very specific rules that, for example, allow a longer  
18          study timeframe for larger projects.

19                           So because it was really just one narrow  
20          issue of consolidation, that project consolidation where  
21          SIR changes were deemed to be potentially necessary or  
22          proposed to be necessary, and because we felt that was an  
23          easy issue to kind of carve out and -- and put to the side  
24          and not allow that until those SIR proposed changes are  
25          considered by the Commission, we -- we didn't feel that it

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2           was necessary to delay this Order in order to wait for  
3           that to be ready.

4                        COMMISSIONER BURMAN: All right. Thank  
5           you. I do appreciate that.

6                        I think the thing that -- that is why it --  
7           it sticks out for me as concern is that on the -- excuse  
8           me -- let me just -- I lost my -- I have a December 22nd,  
9           2017, VDR, a Value Stack and rate design, working group  
10          process in 2018 schedule, Department of Public Service  
11          Staff. I know this is -- was on -- was filed, but I know  
12          that there's now a more updated one, I think, dated  
13          January 22nd, 2018, which is also filed.

14                      Oh, here it is, updated February -- excuse  
15          me -- February 6, 2018, which is also filed. It's about  
16          seven or eight pages.

17                      MR. KELLY: Yeah, I'm familiar with the  
18          document, although I don't have it before me.

19                      COMMISSIONER BURMAN: Nine pages. Excuse  
20          me. And the Order, I think, references it and says that -  
21          - that we expect that the decisions will be made  
22          expeditiously based on this process and this schedule.  
23          And, therefore, because of that, we're comfortable moving  
24          from two megawatts to five megawatts and we should follow  
25          this process for decision making.

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2 The thing that concerns me about this is  
3 that I think that it -- it sort of makes the Commission  
4 sort of a minor player until the very end -- the  
5 Commission body as a whole, until the very end, which is  
6 when Staff submits a white paper to the secretary, I  
7 guess, then, somehow, will then wind up getting SAPA'd and  
8 filed and eventually come to the Commission.

9 So that's a long time -- that's December  
10 21st, 2018. That's a long time for the Commission to  
11 formally weigh in on something. So I would ask that this  
12 process be revised to reflect more of a formal process of  
13 the Commission having touch points because I would like  
14 the process itself to reflect the formal input, even if  
15 it's of -- making sure the Commission is made aware of in  
16 some fashion, rather than just previewing the filings.

17 I think it's very important that we engage  
18 more holistically, but also that the process itself  
19 document where it tracks with other pending proceedings,  
20 so that this proceeding is not done in a silo with other  
21 proceedings. So to the extent that there is more of a  
22 road map and connection to others, so that we can really  
23 make sure that all parties are following that.

24 It does concern me that if parties are  
25 concerned about municipalities and consumers that -- I'm

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2           not sure that they necessarily know to -- to look here or  
3           to -- to -- well, to find it or to weigh in if they're not  
4           part of the working group. And I would like to see that  
5           we are being much more engaged on that and that if the  
6           party says that they're concerned about reach-out, that we  
7           don't just leave it to other parties, or other non-parties  
8           in this case, to follow up with those parties that we  
9           directly reach out to those we think may, especially if  
10          it's municipalities, may be impacted by it, especially  
11          since we are working so closely in other areas with  
12          municipalities.

13                        To the extent that this also doesn't seem  
14          to touch upon what the costs may be, I do want to see that  
15          our analysis is done showcasing how many projects this may  
16          touch, what that may be from a reliability perspective,  
17          are we doing that analysis, what does it mean, when do we  
18          expect caps to be reached.

19                        So I'm going to vote no on this item,  
20          because I don't feel that the -- the homework was done  
21          enough on this. And I think that this is something that  
22          can be, you know, done better and that we should be  
23          working through this a little harder and looking at some  
24          of the other items that still need to be done and  
25          incorporated into it.

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2 And I do think some of the parties did  
3 raise some really good issues and we might be able to  
4 incorporate that in a more holistic way and take into  
5 consideration other issues that are not just solely this  
6 one isolated issue and have a better product. So I'm  
7 going to be voting no.

8 CHAIR RHODES: Thank you.

9 Commissioner Alesi?

10 COMMISSIONER ALESI: Good work. I'll be  
11 voting yes.

12 CHAIR RHODES: Thank you.

13 So with that, I will proceed to vote --  
14 call for a vote on Item 301.

15 My vote is in favor of the recommendation  
16 to approve the proposal to expand the value of VDER  
17 eligibility as described.

18 Commissioner Sayre, how do you vote?

19 COMMISSIONER SAYRE: Aye.

20 CHAIR RHODES: Commissioner Burman?

21 COMMISSIONER BURMAN: No.

22 CHAIR RHODES: Commissioner Alesi?

23 COMMISSIONER ALESI: Yes.

24 CHAIR RHODES: The item is approved and the  
25 recommendation is adopted.

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2                           Move to -- we will move to the second item  
3 for discussion, Item 302, Case 17-E-0458, which is the  
4 petition by consolidate -- Consolidated Edison Company of  
5 New York, Inc., to revise storage system tariffs,  
6 presented by Rob Cully, to the Engineering Specialist 2.  
7 Steve Kramer, Assistant Counsel, is available for  
8 questions.

9                           Rob, please begin.

10                          MR. CULLY: Good morning, Chair Rhodes and  
11 Commissioners.

12                          Item 302 is a Draft Order addressing the  
13 filing by Consolidated Edison Company of New York, Inc.,  
14 which we will refer to as Con Edison or the Company,  
15 seeking approval of tariff amendments related to the  
16 export of power by energy storage systems onto the  
17 Company's distribution system.

18                          The tariff filing is a result of the  
19 Commission's May 18th, 2017, Order in Case 17-E-0104,  
20 which approved tariff amendments to allow battery storage  
21 -- sorry -- battery discharge to the Company's primary and  
22 secondary voltage distribution systems as part of non-wire  
23 alternative projects, and required Con Edison to study  
24 whether batteries can safely export, as part of its  
25 Dynamic Load Management, or DLM, demand response programs.

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2 Con Edison has complied with the directives  
3 in that Order and has proposed tariff changes to more  
4 broadly open its system to energy storage technologies.

5 Under the tariff filing, Con Edison has  
6 proposed five modifications to its tariff. First, Con  
7 Edison proposed to apply the current provisions applicable  
8 to batteries, more broadly, to include a wide array of  
9 energy storage technologies. These technologies include  
10 thermal storage, fly wheels, and compressed air storage  
11 systems. These provisions will set a level playing field  
12 for all energy storage technologies beyond battery storage  
13 alone.

14 Second, Con Edison proposed to allow energy  
15 storage systems to participate in any current or non -- or  
16 future non-wire alternative project. This modification  
17 will allow respondents to non-wire alternative  
18 solicitations -- sorry -- will provide respondents to non-  
19 wire alternative solicitations with regulatory certainty  
20 that energy storage systems will be allowed to  
21 participate, if selected as part of those solicitations.

22 Third, Con Edison proposed to allow energy  
23 storage systems to export to its distribution system as  
24 part of demand response programs, depending upon whether  
25 such energy storage systems are equipped with an inverter.

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2           Under this provision, energy storage systems without an  
3           inverter would be able to export to the primary voltage  
4           distribution system, whereas energy storage systems  
5           equipped with an inverter will be able to export to both  
6           the primary or secondary voltage distribution systems.

7                         This provision will open up new options for  
8           energy storage export arrangements for inverter-based  
9           technologies and ensure the safety and reliability of the  
10          grid.

11                        Fourth, Con Edison proposed to allow energy  
12          storage systems to export to its distribution system under  
13          service classification 11, or buyback service, depending  
14          upon whether such energy storage system is equipped with  
15          an inverter. As with participation in the demand response  
16          programs, under buyback service, energy storage systems  
17          without an inverter would be able to export to the primary  
18          voltage distribution system, whereas energy storage  
19          systems with an inverter will be able to export to either  
20          the primary or secondary voltage distribution systems.

21                        Finally, Con Edison proposed to exclude  
22          standalone or so-called front-of-the-meter energy storage  
23          systems from being able to earn the reliability credit  
24          available to standby service customers.

25                        We did receive comments on the Company's

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2           filing from the New York Battery Energy Storage Technology  
3           Consortium, or New York BEST. New York BEST was generally  
4           supportive of Con Edison's tariff filing, but expressed  
5           concern that the filing did not address the fact that  
6           standalone energy storage systems would pay retail energy  
7           rates through the Company's standby service to charge the  
8           battery, but would only be compensated the wholesale  
9           energy rates under the Company's buyback service for  
10          exported power.

11                         Under the Draft Order, if adopted, the  
12          Draft Order would accept the tariff amendments proposed by  
13          the Company and require clarifying modifications.  
14          Overall, the tariff amendments proposed by Con Edison  
15          significantly increase the ability of customers to utilize  
16          energy storage technologies to participate in the  
17          Company's dynamic load management programs, non-wire  
18          alternative projects, and to export to the grid under  
19          buyback service.

20                         Currently, customers' ability to export to  
21          the secondary voltage distribution system, beyond very  
22          small DERS. or Distributed Energy Resources, that have  
23          traditionally been subject to net energy metering is  
24          limited as most of the other technologies are only allowed  
25          to export to the primary voltage distribution system.

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2 These tariff modifications would  
3 significantly increase customers' ability to safely export  
4 power to the secondary voltage distribution system using  
5 inverter-based energy storage technologies.

6 The Draft Order also accepts the Company's  
7 proposal that standalone energy storage systems should not  
8 be eligible for the standby service reliability credit.  
9 However, it would require Con Edison to file clarifying  
10 tariff modifications specifying that such exemption  
11 applies only to those standalone energy storage systems.

12 Regarding New York BEST's concern, the  
13 Draft Order states that the Commission anticipates  
14 consideration of the value of exported power from energy  
15 storage systems, both standalone and behind the meter,  
16 will occur as part of the ongoing Value of Distributed  
17 Energy Resources, or VDER, proceeding.

18 Consideration of whether or not exported  
19 energy from energy storage systems not paired with clean  
20 generation should be eligible for the Value Stack is  
21 currently being developed as part of the VDER Value Stack  
22 working group. Consideration of standby rates and buyback  
23 service rates are currently being considered as part of  
24 the VDER rate design working group.

25 Staff recommendations on these VDER topics

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2           are realistically expected to be considered by the  
3           Commission during the third and fourth quarters of this  
4           year.

5                           This concludes my presentation and I'm  
6           happy to answer any questions you may have.

7                           CHAIR RHODES: Thank you, Rob.

8                           This item will make it much more  
9           straightforward for owners of private storage systems to  
10          export the electricity they produce to Con Ed's electric  
11          distribution system. The item is a careful and well-  
12          considered evolution of existing tariffs. And it's also a  
13          critical next step in deploying and integrating storage  
14          valuably and at scale, which we know we will need for  
15          integration of renewables power for optimization of great  
16          investments and for resilience and reliability. I will be  
17          voting in favor of this item.

18                           Commissioner Sayre?

19                           COMMISSIONER SAYRE: I support this item,  
20          as well. It's another step forward for REV. I see all  
21          sorts of benefits to the network and to customers by  
22          integrating stored energy into the system. In particular,  
23          batteries are coming down in cost very quickly and are  
24          going to become more and more economical over the short  
25          horizon.

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2 I think we're going to be very glad, in the  
3 future, that we're working on this framework for  
4 integration of stored energy now. I anticipate that in  
5 the future, based on real world experience we'll determine  
6 whether this system that -- that is being implemented for  
7 Con Edison needs some tweaking and whether it needs or  
8 should be exported to other utilities. But I'm glad we're  
9 taking this step now.

10 CHAIR RHODES: Commissioner Burman?

11 COMMISSIONER BURMAN: Thank you.

12 I saw an article in 2015 that said how will  
13 REV impact energy storage. And I thought that was a bad  
14 headline because it really shouldn't be about how will REV  
15 impact, but it really should be about how will energy  
16 impact what we're doing, that we should really be focusing  
17 on understanding that what is out there energy storage and  
18 other technologies really are there to help us, and that  
19 it's about the power grid and the reliability and the  
20 resiliency, and that our role as regulators is to ensure  
21 that we are helping to enable those technologies and  
22 enable the utilities and others to access those  
23 technologies in a cost-effective way. The tariffs are a  
24 way of being able to do that.

25 I'm going to go through the Order and some

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2           of my questions. I ultimately will be voting for this,  
3           but I do want to -- I won't be voting with the majority,  
4           but I will be concurring because I do have some -- some  
5           concerns that I do just want to -- to share.

6                         First, one of the -- the questions I have  
7           is to the second prong that says that we propose to expand  
8           the ability for the energy storage systems to participate  
9           in any non-wire alternative projects, instead of specific  
10          to the non-wire projects such as the Brooklyn Queens  
11          Demand Management Program.

12                        And to the extent that we have the non-wire  
13          alternatives for each of the utilities, what are the --  
14          what's the focus in terms of the status of the non-wire  
15          alternatives and when do we expect sort of that coming  
16          back to the Commission in terms of sort of a summary  
17          review of some of the non-wire alternative projects and  
18          the successes and maybe some potential changes that may  
19          need to be made to those? Globally, you don't have to go  
20          specific, one by one.

21                        MR. CULLY: So generally speaking, each  
22          utility has one or more non-wire alternative projects in  
23          flight. Whether they are fully operational, such as the  
24          BQDM -- sorry -- Brooklyn Queens Demand Management Program  
25          at Con Edison, or the Targeted Demand Management Program

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2   at Central Hudson, both of which are fully operational and  
3   are -- are going through the steps of actually deferring  
4   info structure currently.

5           Other programs are moving through the final  
6   stages of development. There are a number of projects at  
7   Orange and Rockland and NYSEG that are nearly ready to be  
8   completed as of the last -- the last that I knew. And we  
9   regularly do outreach with the utilities in regular  
10   contact with their non-wire alternative program managers,  
11   seems like, on a daily basis.

12           And then some of the other utilities are  
13   continuing to work through their solicitation processes  
14   and develop portfolios based on the market response to  
15   those solicitations.

16           So I think it's safe to say that probably  
17   over the course of the next year, every single utility  
18   will likely have a non-wire alternative program in place  
19   and operational.

20           As far as the current status of the non-  
21   wire alternative projects, Staff keeps a -- a running list  
22   of those projects, which we would be happy to provide to  
23   you, Commissioner, and some of the basic information on  
24   how -- how they're progressing along and where they are in  
25   -- in that process.

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2 Generally speaking, non-wire alternatives  
3 are considered in rate cases and don't necessarily come to  
4 the Commission on a one-by-one basis as we've continued to  
5 implement, kind of, a programmatic approach as non-wire  
6 alternatives become just a normal part of utility  
7 business.

8 COMMISSIONER BURMAN: Okay. Great. Thank  
9 you.

10 And then I do just want to raise, also, as  
11 I said, the -- in the first order, in 301, same question  
12 that I asked to Staff before. The question in terms of  
13 have we done any reach-out to the ISO or done our own  
14 analysis in terms of the recent cases with FERC and as it  
15 relates to the wholesale market, energy storage, and the  
16 DER issues, and the DER roadmap that's ongoing over at the  
17 ISO.

18 MR. PADULA: I would just say that we are  
19 in continuous discussion with the ISO related to the --  
20 their roadmap in addition to our own development of  
21 storage roadmap. So it's ongoing is the answer to your  
22 question.

23 COMMISSIONER BURMAN: And how does this  
24 match up with the storage program bill that was enacted  
25 and will have amendments that will be coming, and now with

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2           this -- this decision, how will that impact what we'll be  
3           doing on that?

4                       MR. PADULA: This is one piece of the  
5           puzzle. You know, it's a very complicated puzzle, but  
6           this is one step in the very positive direction of  
7           enabling storage to connect to the -- to the grid.

8                       COMMISSIONER BURMAN: How many pieces in  
9           that puzzle? I counted about 20.

10                      MR. PADULA: There's many.

11                      COMMISSIONER BURMAN: Okay. Did you count  
12           the same many?

13                      MR. PADULA: I don't have a specific count.

14                      COMMISSIONER BURMAN: Okay. All right. So  
15           maybe that's also something we can do is, again, that  
16           roadmap, I think, that it is important. It was actually a  
17           legitimate question in terms of there are a number of  
18           different things. The PSC has done a number of different  
19           orders on energy storage that over -- since I've been  
20           here, including directing utilities to have energy storage  
21           projects. And to the extent that not only has that  
22           happened, but also what the status of each of the  
23           utilities for their two projects, as well as the energy  
24           storage bill, as well as what might be happening outside,  
25           and then this.

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2 I think it's really important that our job  
3 as regulators is to make sure that we are keeping on track  
4 and helping the parties, especially because there are so  
5 many proceedings and there's a lot of things that are  
6 happening outside of that. And to the extent that there  
7 are places that are being -- these things are landing,  
8 whether it's in the BCA handbooks or the DSIPs and others  
9 that folks are not necessarily focused on, I think it's  
10 really important that we try to have that information  
11 available and make sure that we are, you know, narrowing  
12 it as much so that there is, you know, an ability to go to  
13 one place and see it, rather than finding it from sort of  
14 all over the place.

15 And to the extent that when we are  
16 referencing this, to the extent that it has some ability  
17 to reference the others. So to the extent that this  
18 Order, you know, does impact that storage program bill and  
19 to the extent that this Order may also impact those other  
20 pieces of that puzzle, I think it's important.

21 To the extent that this Order also  
22 references, in footnote seven, and also on pages six and  
23 seven, that the Commission expects, just like in the other  
24 Order, the -- that the parties follow the -- and work  
25 expeditiously on the working group process and schedule,

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2   footnote seven references the December 22nd, 2017,  
3   schedule, it's actually been updated now, February 6th,  
4   2018, but to the extent that I still have that same  
5   concern about the working group schedule and making sure  
6   that we look at incorporating the Commission more  
7   holistically in that I do think overall that energy  
8   storage is very important in what we're doing.

9                   I am very pleased to see that we are  
10   continuing in being laser-focused on these issues and  
11   trying to move the ball forward. And I will be voting in  
12   concurrence with this issue with this item, but I do -- I  
13   am cautiously focused on making sure that we are looking  
14   more holistically at all of the different issues and how  
15   it impacts, and also noting that what we're doing here  
16   also needs to be aligned with what we're doing at -- in  
17   the wholesale market, as well. Thanks.

18                   CHAIR RHODES: Thank you, Commissioner  
19   Burman.

20                   Commissioner Alesi?

21                   COMMISSIONER ALESI: Nothing further, thank  
22   you.

23                   CHAIR RHODES: With that, I will proceed to  
24   call for a vote on Item 302.

25                   My vote is in favor of the recommendation

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2   to approve Con Edison's proposed tariff amendments with  
3   modifications as described.

4                   Commissioner Sayre, how do you vote?

5                   COMMISSIONER SAYRE: Aye.

6                   CHAIR RHODES: Commissioner Burman?

7                   COMMISSIONER BURMAN: I concur.

8                   CHAIR RHODES: Commissioner Alesi?

9                   COMMISSIONER ALESI: Yes.

10                  CHAIR RHODES: The item is approved and the  
11   recommendation is adopted.

12                  We'll move to the third item for  
13   discussion, which is Item 303, Case 18-E-0071, which is  
14   the Offshore Wind Draft Generic Environmental Impact  
15   Statement, presented by Tom Rienzo, Chief of Clean Energy  
16   Programs. Tony Belsito, Senior Counsel, is available for  
17   questions.

18                  Tom, please begin.

19                  (Off-the-record discussion)

20                  CHAIR RHODES: I'm afraid I jumped the gun  
21   a little bit.

22                  Now, Tom?

23                  MR. RIENZO: Thank you.

24                  Good morning, Chair and Commissioners.

25                  Item 302 is a resolution to accept as

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2           complete and issue for public comment, a draft generic  
3           environmental impact statement relating to the Offshore  
4           Wind Policy Options Paper, filed by the New York State  
5           Energy Research and Development Authority on January 29th  
6           of 2018.

7                       The Options Paper proposes two initial  
8           offshore wind procurement rounds of 400 megawatts, one  
9           each in 2018 and 2019. The Options Paper includes various  
10          procurement and contracting options to support the  
11          development of 2.4 gigawatts of offshore wind generation  
12          capacity.

13                      However, the Option Paper does not propose  
14          a development of a particular offshore wind generation  
15          facility or site. Rather, the Options Paper includes  
16          various program financing options intended to broadly  
17          apply to the development of multiple projects over time in  
18          different locations that will result in the installation  
19          of 2.4 gigawatts of offshore wind generating capacity with  
20          the ability to deliver electricity to be consumed by New  
21          Yorkers by 2030.

22                      Since these options are strictly financial,  
23          the environmental impacts are not expected to vary among  
24          the options presented. The draft GEIS prepared in --  
25          pursuant to the New York State Environmental Quality

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2   Review Act, analyzes the potential impacts --  
3   environmental impacts associated with the State's  
4   procurement of this 2.4-gigawatt hours of offshore wind  
5   energy by 2030 and builds upon and incorporates by  
6   reference, relevant materials from NYSERDA's Offshore Wind  
7   Master Plan released by NYSERDA in concert with its filing  
8   of the Options Paper.

9           The Master Plan, which was developed after  
10   two years of in-depth research, analysis, and outreach by  
11   NYSERDA, describes the objectives and methodologies of the  
12   offshore wind planning process and includes 20 studies  
13   undertaken to gather data on environmental, social,  
14   economic, regulatory, and infrastructure issues relevant  
15   to the offshore wind energy development.

16           The resolution includes a public --  
17   indicates that public comments on the draft GEIS will be  
18   accepted until April 9th of 2018, at which time Staff will  
19   review the comments received before making necessary  
20   modifications to the draft GEIS and bringing it back to  
21   the Commission for -- for future action.

22           In the meantime, Staff will continue the --  
23   its review of the underlying Options Paper submitted by  
24   NYSERDA, which will afford parties the opportunity to  
25   provide comments through a separate state administrative

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2    procedure at comment process and allow parties to  
3    participate in a technical conference to be held on  
4    Thursday, March 8th, 2018, to discuss the Options Paper.  
5    Parties may participate in the conference either in person  
6    or through the web and a secretary's notice about the  
7    technical conference was issued on February 9th, 2018, in  
8    Case 18-E-0071.

9                        It should be noted that the actions taken  
10   here is simply to issue the draft -- the draft GEIS for  
11   comment and it does not limit the Commission's options on  
12   any of the options presented by NYSERDA in the Options  
13   Paper.

14                      Thank you. This concludes my presentation  
15   and Tony Belsito and I are available for questions.

16                      CHAIR RHODES: Thank you, Tom.

17                      To me, moving forward to enable offshore  
18   wind that is appropriately cited and in careful  
19   consideration of environmental impacts is critical to  
20   achieving the State's vital clean energy goals. This  
21   DGEIS is based on a comprehensive set of environmental  
22   technical studies, all carefully done, and clearly ready  
23   to be approved as a DGEIS in draft form, so as to bring --  
24   so as to bring us into the vital public comment process.

25                      I am going to vote to approve this item.

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2 Commissioner Sayre?

3 COMMISSIONER SAYRE: I'm very optimistic  
4 about the future of offshore wind in New York State.  
5 Getting a supply chain up and running is certainly going  
6 to take a jumpstart, but I'm optimistic that we can get to  
7 a future with clean, affordable, offshore wind energy with  
8 minimal environmental impacts.

9 But as Tom said, that's -- all these issues  
10 aren't in front of us now. It's just the question of what  
11 is the probable environmental impact of offshore wind in  
12 New York State. The comments that we get in response to  
13 the GEIS will help us determine how serious the  
14 environmental consequences may or may not be.

15 I support the item and I look forward to  
16 the comments.

17 CHAIR RHODES: Thank you.

18 Commissioner Burman?

19 COMMISSIONER BURMAN: Thank you.

20 I -- I appreciate that today we are just  
21 voting on approval of the GEIS and moving forward. The  
22 one thing that I think is important is the -- making sure  
23 that folks understand the timeline and understand the  
24 different scenarios that can happen and the -- and have  
25 some clear roadmap to follow, even if it's understanding

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2 that there are different agencies involved.

3 So I understand that the PSC, depending on  
4 which options may or may not be done, there may be several  
5 different steps that are done. Is there someone or some  
6 agency that's working, even if it's not the Commission,  
7 working on some master timeline or map that will be  
8 available for those who may be interested in whatever that  
9 guidance document may be?

10 MR. BELSITO: I'm -- I'm not sure I  
11 understand the question or the guidance document.  
12 Referring to what process, the process that the Commission  
13 would be involved --?

14 COMMISSIONER BURMAN: The process -- one,  
15 the process that the Commission would be involved in, yes.

16 MR. BELSITO: Okay.

17 COMMISSIONER BURMAN: But two, if someone  
18 was interested in being involved in offshore wind and they  
19 wanted to come to New York, what that would be, how they  
20 would participate, what agencies would be involved, where  
21 they would go first. You know, we have NYSERDA and we  
22 have the PSC. You can go on NYSERDA's website and you'd  
23 have information. You go on the PSC and you have  
24 information. But each are not necessarily showcasing  
25 which comes first or what necessarily the information is.

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2 So for example, the PSC, we have filed the  
3 Options Paper from NYSERDA and we have the technical  
4 conference, but there's no document that showcases --  
5 actually, that doesn't have the plan, so it doesn't  
6 showcase what the next steps are or how we may be working  
7 with any other agencies, whether it goes to the Article 10  
8 Board, when that may look, depending on what the options  
9 may be, that's not -- I'm just curious.

10 MR. BELSITO: There's no --.

11 CHAIR RHODES: May I -- may I?

12 COMMISSIONER BURMAN: Sure.

13 CHAIR RHODES: So the Master Plan actually  
14 does go right at that issue in terms of providing the  
15 comprehensive view. And it's available for -- for reading  
16 and I find it interesting.

17 COMMISSIONER BURMAN: I -- I understand;  
18 that's my point --.

19 CHAIR RHODES: But it includes -- and it  
20 includes a laid-out timeline. Our best current  
21 understanding is that Article 10 is not relevant to -- at  
22 least to anything that happens out in the ocean. Instead,  
23 there is a set of interactions with the Federal Government  
24 where the State only has the power of persuasion with the  
25 Bureau of Ocean Energy Management, which is part of the

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2   Department of the Interior.

3                   And I believe the Master Plan lays out some  
4   indicative timelines associated with those processes, but  
5   it's something that's much less under the State's control.  
6   But it's there. It is pulled together as much as is  
7   visible at this moment.

8                   COMMISSIONER BURMAN: So is there, then,  
9   because it's not in -- and that's really sort of my point  
10   is that it's in the Master Plan; it's not in our -- it's  
11   not -- the Master Plan is not filed at the PSC and there's  
12   not pulled out in sort of a fact sheet by itself, here it  
13   is, what we've envisioned, or our analysis for anyone to  
14   look at, or -- or direct to from a frequently asked  
15   question, which we normally do.

16                   So I'm just curious if there is any thought  
17   to why we're not flagging it or putting the plan itself  
18   into our filings or flagging it for --?

19                   MR. BELSITO: The Master Plan is flagged, I  
20   believe, in a number of places, if not all the documents  
21   that we're dealing with here today. I believe the primary  
22   reason that the -- the Master Plan was not filed or, you  
23   know, copied into the DMM System is mostly practical.  
24   It's an extremely vast amount of information. The  
25   documents are very, very large. Some of them include

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2   maps, again, that are just huge data dumps -- that's not  
3   the exact phrase for the information that's in there.

4                   CHAIR RHODES:  It's available on NYSERDA.

5                   MR. BELSITO:  It's available online.  The  
6   links are available in the documents that we have and I'm  
7   sure that there are links on our web page that will get  
8   you to NYSERDA --

9                   COMMISSIONER BURMAN:  Okay.

10                  MR. BELSITO:  -- and NYSERDA's Master Plan.  
11   It's -- it's as accessible as it would be if it was copied  
12   in another 50 places.

13                  COMMISSIONER BURMAN:  All right.  That  
14   makes sense.  No, the only thing I would suggest then is  
15   that to the extent that we're hearing, at NYSERDA and at  
16   our own technical conference, questions that parties have  
17   in terms of information that they want clarity on, that is  
18   helpful to then share in a more -- in a better way, like  
19   timeline, under the options.  And maybe, since there's a  
20   data dump issue, that could then be pulled out and shared,  
21   like we've done in frequently asked question ways, when  
22   will the Commission decide this, or when may the  
23   Commission decide it.  Obviously, it's the Chair's  
24   prerogative.  What options may or may not need next steps,  
25   whatever that may be.  I think those things may be

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2 helpful.

3                   MR. BELSITO: I think that the timeline is  
4 -- is -- at least for Commission action, is fairly clear  
5 in the Options Paper, itself. And the Options Paper  
6 describes what the -- what NYSERDA actually sees and is  
7 requesting as far as a timeline and -- and a process for  
8 moving forward. I think it's there.

9                   COMMISSIONER BURMAN: Okay.

10                  MR. BELSITO: But, you know, to the extent  
11 that we get questions at the technical conference that --  
12 or, you know, comments that point to the fact that we're  
13 not being clear about how we're moving forward, we can  
14 certainly address those. And if it -- if the best  
15 response is to put a -- some sort of summary document up  
16 on our webpage, I don't think there would be a problem  
17 with that.

18                  COMMISSIONER BURMAN: That would be great.  
19 Thank you. I appreciate it. Excellent.

20                  MR. BELSITO: Thank you.

21                  CHAIR RHODES: Thank you.

22                  COMMISSIONER BURMAN: Thank you very much.

23                  CHAIR RHODES: Commissioner Alesi?

24                  COMMISSIONER ALESI: Nothing more; thanks.

25                  CHAIR RHODES: Thank you.

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2 With that, we will proceed to vote on Item  
3 303.

4 My vote is in favor of the recommendation  
5 to accept the Draft Environmental Impact Statement  
6 relating to offshore wind and issue it for public comment  
7 as described.

8 Commissioner Sayre, how do you vote?

9 COMMISSIONER SAYRE: Aye.

10 CHAIR RHODES: Commissioner Burman, how do  
11 you vote?

12 COMMISSIONER BURMAN: Aye.

13 CHAIR RHODES: Commissioner Alesi, how do  
14 you vote?

15 COMMISSIONER ALESI: Yes.

16 CHAIR RHODES: The item is approved and the  
17 recommendation is adopted.

18 We'll move on to the fourth item for  
19 discussion, Item 304, Case 15-E-0302, which is a Petition  
20 by Astral Energy, LLC, to modify Clean Energy Standard  
21 payments, presented, again, by Tom Rienzo, Chief of Clean  
22 Energy Programs. And again, Tony Belsito, Senior Counsel,  
23 is available for questions.

24 Tom, please begin.

25 MR. RIENZO: Thank you, Chairman -- Chair

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2 Rhodes.

3 Item 304 is a draft order relating to a  
4 petition by Astral Energy, LLC, for a 64.4% reduction and  
5 its zero emissions credit, or ZEC, obligation for program  
6 compliance, year ending March 31st of 2018.

7 In its August 1st, 2016, order, as part of  
8 the Clean Energy Standard, the Commission required all  
9 load serving entities, or LSEs, including energy service  
10 companies, or ESCOs, to purchase ZECs from the New York  
11 State Energy Research and Development Authority to  
12 preserve at risk zero emission nuclear generating  
13 resources.

14 The Commission's November 17th, 2016, order  
15 required all LSEs to enter into contracts with NYSERDA, to  
16 purchase ZECs monthly based on the LSE's proportional  
17 share of the statewide load that's served by an LSE during  
18 an historic 12-month period. NYSERDA will true up the  
19 quantities of ZECs acquired by each LSE to the actual load  
20 served after a reconciliation period expected to occur in  
21 September of 2018.

22 On November 6th, 2015, the Commission  
23 suspended Astral's ability to market and enroll new  
24 residential and non-residential customers. By an order  
25 dated December 16, 2016, the Commission reinstated

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2    Astral's ability to market and enroll non-residential  
3    customers. However, as a result, Astral claimed it  
4    experienced a decline in its actual energy sales, as  
5    compared to the forecast used to develop its ZEC  
6    obligation amount.

7           On September 29th, 2017, Astral submitted a  
8    petition requesting the Commission to direct NYSERDA to  
9    reduce the company ZEC obligation by an amount -- by 43%  
10   of the ZEC compliance period ending March 31st, 2018, and  
11   to order NYSERDA to absorb the payment shortfall that  
12   would result until the ZEC reconciliation period.

13           On January 16, 2018, Astral amended its  
14   petition to request a 64.4% reduction in its ZEC  
15   obligation based on a continued decline in its load  
16   forecasts.

17           Staff has reviewed Astral's load  
18   projections for the compliance period ending March 31st,  
19   2018, and compared its reported actual energy sales data,  
20   to the data provided by the New York Independent System  
21   Operator, to the New York Generation Attributes Tracking  
22   System, and finds that Astral has experienced a  
23   significant drop in its actual load as compared to the  
24   forecasted load used to calculate the first-year  
25   compliance obligation amount.

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2 As a result, in the draft order, the  
3 Commission directs NYSERDA to suspend 64.4% of Astral's  
4 April 1, 2017, through March 31st, 2018, ZEC compliance  
5 obligation amount, and to absorb the ZEC revenue shortfall  
6 that will result from the suspension of a portion of  
7 Astral's ZEC obligation until a ZEC reconciliation occurs  
8 in September of 2018.

9 These actions are consistent with the  
10 actions taken by the Commission in April -- I'm sorry --  
11 in July 14th, 2017, order on a similar petition filed by  
12 Liberty Power Holdings, LLC.

13 NYSERDA has submitted comments in response  
14 to Astral's petition. While it did not take a position on  
15 Astral's requested relief, NYSERDA introduced an  
16 alternative methodology for calculating the future ZEC  
17 obligation payments for all LLC -- LSEs. This alternative  
18 approach would have no bearing on the methodology used to  
19 calculate the ZEC price paid to eligible nuclear  
20 generating facilities as -- as approved in the August 1st,  
21 2016, order.

22 The proposed methodology simply modifies  
23 the way in which LSEs remit ZEC payments to NYSERDA to a  
24 pay-as-you-go model based on an LSE's known, actual load  
25 instead of a forecast based on an historic load. This

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2 process is intended to eliminate the need for the  
3 Commission to adjust LSE ZEC compliance obligations in the  
4 future and reduce the dollar magnitude of the settlements  
5 between NYSERDA and the LSEs during the annual  
6 reconciliation process.

7           However, this methodology has not been  
8 fully developed and is not being considered as part of  
9 this item. Staff and NYSERDA will fully develop this new  
10 methodology and submit to the Commission for -- for  
11 consideration, an implementation plan that would modify  
12 the way in which LSEs remit ZEC payments to NYSERDA to a  
13 flexible pay-as-you-go model, based on the LSE's known  
14 load.

15           This concludes my presentation and I am  
16 available for questions.

17           CHAIR RHODES: Thank you, Tom.

18           To me, this item is an important example of  
19 our approach to managing our policy-driven programs,  
20 particularly the aspect where we adjust the mechanics of  
21 their implementation as circumstances change and to do so,  
22 to adjust, in a matter that's consistent, predictable, and  
23 pragmatic.

24           This is the appropriate outcome of the work  
25 the Commission has charged NYSERDA to do, namely, to

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2           determine the number and value of ZECs that an entity  
3           should engage in that's proportional to its load, and to  
4           keep that number proportional to its load.

5                       I am going to vote to approve this item.

6                       Commissioner Sayre?

7                       COMMISSIONER SAYRE: This strikes me as a  
8           pretty routine item. It's something we've done before and  
9           we're doing it again. It's a matter of fundamental  
10          fairness that if an energy service company loses most of  
11          its load, it shouldn't have to keep paying for ZECs as if  
12          it had kept 100% of its load, and then have to wait for an  
13          annual true-up.

14                      So I think the -- the result in this case  
15          is fair and I'm also very happy to see the directive in  
16          the draft order for NYSEERDA and Staff to come up with a  
17          fully fleshed out, pay-as-you-go process for the future so  
18          we don't have to have a Commission order every time this  
19          situation crops up again.

20                      CHAIR RHODES: Commissioner Burman?

21                      COMMISSIONER BURMAN: Chair, I listened  
22          very carefully to what you said. And I agree; it's  
23          excellent. So I look forward to drilling down on the  
24          upcoming NYSEERDA and Staff proceeding on the pay-as-you-go  
25          model. I don't know that -- you know, where we'll be on

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2    that. That's very important. But your comments on this  
3    item is absolutely dead on.

4                   CHAIR RHODES: Thank you.

5                   Commissioner Alesi?

6                   COMMISSIONER ALESI: Good; thank you.

7                   CHAIR RHODES: With that, I will move to  
8    call for a vote on Item 304.

9                   My vote is in favor of the recommendation  
10   to approve Astral Energy, LLC's petition to temporarily  
11   reduce its renewable energy standard compliance payments  
12   with modifications as described.

13                   Commissioner Sayre, how do you vote?

14                   COMMISSIONER SAYRE: Aye.

15                   CHAIR RHODES: Commissioner Burman?

16                   COMMISSIONER BURMAN: Yes.

17                   CHAIR RHODES: Commissioner Alesi?

18                   COMMISSIONER ALESI: Yes.

19                   CHAIR RHODES: The item is approved and the  
20   recommendation is adopted.

21                   We will now move to the consent agenda. Do  
22   any of my fellow Commissioners wish to recuse from voting  
23   or comment on any items on the consent agenda?

24                   Commissioner Sayre?

25                   COMMISSIONER SAYRE: No.

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2 CHAIR RHODES: Commissioner Burman?

3 COMMISSIONER BURMAN: No.

4 CHAIR RHODES: Commissioner Alesi?

5 COMMISSIONER ALESI: No.

6 CHAIR RHODES: And for good order's sake,

7 nor do I.

8 My vote is in favor of the recommendations

9 on the consent agenda.

10 Commissioner Sayre, how do you vote?

11 COMMISSIONER SAYRE: Aye.

12 CHAIR RHODES: Commissioner Burman?

13 COMMISSIONER BURMAN: Aye.

14 CHAIR RHODES: Commissioner Alesi?

15 COMMISSIONER ALESI: Yes.

16 CHAIR RHODES: The items are approved and

17 the recommendations are adopted.

18 Secretary Burgess, is there anything

19 further to come before us today?

20 SECRETARY BURGESS: There's nothing further

21 to come before you today. The next Commission meeting is

22 March 15th.

23 CHAIR RHODES: Thank you. We are

24 adjourned.

25 (The meeting adjourned at 11:43 a.m.)

1           Monthly Meeting Public Service Commission - 2-22-18  
2   STATE OF NEW YORK  
3   I, HANNAH ALLEN, do hereby certify that the foregoing was  
4   reported by me, in the cause, at the time and place, as  
5   stated in the caption hereto, at Page 1 hereof; that the  
6   foregoing typewritten transcription consisting of pages 1  
7   through 51, is a true record of all proceedings had at the  
8   hearing.

9                           IN WITNESS WHEREOF, I have hereunto  
10   subscribed my name, this the 1st day of March, 2018.

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HANNAH ALLEN, Reporter

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