

PSC Monthly Meeting - 10/13/16

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

MEETING OF THE PUBLIC SERVICE COMMISSION

Thursday, October 13, 2016
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
DIANE X. BURMAN

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2 (The session commenced at 10:37 a.m.)

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

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

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

11 CHAIR ZIBELMAN: So preview of coming
12 attractions here, I want you to notice how many people are
13 in black today except for me because I didn't -- because
14 we're mourning the loss of someone who's going to be
15 leaving the Commission so shortly. So I -- I -- so we'll
16 talk about that later. But I -- I notice that all of us
17 feel rather somber.

18 UNIDENTIFIED SPEAKER: All but one.

19 CHAIR ZIBELMAN: All but one.

20 UNIDENTIFIED SPEAKER: Does that mean I can
21 retire today?

22 CHAIR ZIBELMAN: Not you. You would not be
23 -- not that we don't love you, Paul.

24 So we're going to proceed with the
25 regular agenda. The first item for discussion, and it's

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2 information only, is Item 201, which is the Report on the
3 New York Gas, Electric, and Supply Readiness for 2016-2017
4 Winter.

5 Cindy McCarran is Deputy Director of
6 Gas and Water, Leka Gjonaj who is Chief Bulk Electric
7 Systems, Paul Darmetko who is Electric Rates and Tariffs,
8 and Lorna Gillings, Utility Customer Assistant Specialist,
9 are going to be presenting this. And I think Raj
10 Addepalli is going to do a step-in, maybe.

11 Right? Just, you know, for fun, as
12 well.

13 So, Cindy, please proceed.

14 MS. MCCARRAN: Sure. Good morning,
15 Chair Zibelman and Commissioners. It's my pleasure today
16 to brief you on Staff's annual winter supply review and
17 the readiness of the state's gas local distribution
18 companies, which I will refer to as LDCs.

19 Based upon our review and
20 representations from the LDCs regarding natural gas supply
21 readiness for the upcoming winter season, we have
22 concluded these things. The LDCs serving New York State
23 have adequate natural gas supply, delivery capacity, and
24 storage inventory to satisfy firm customer demand under
25 design winter conditions.

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2 New York State continues to see
3 relatively low natural gas commodity prices. While
4 hedging strategies and assets vary by company, on average
5 about 47 percent of winter supply is hedged. A return of
6 normal weather this winter, compared to last winter's very
7 mild weather, would cause customers to use more natural
8 gas than last winter. Therefore, could result in bill
9 increases.

10 However, compared to the average bills
11 over the past 5 years, bills are expected to be lower than
12 the 5-year average. The LDCs are taking steps to ensure
13 that interruptible customers have alternate fuel on hand
14 and that the interruptible customers stand ready to stop
15 using natural gas when asked to by the LDCs.

16 Staff continues communications with
17 oil industry representatives and the New York State Energy
18 Research and Development Authority, also known as NYSERDA,
19 to ensure that customers have access to adequate supplies
20 of winter heating fuel.

21 Next slide, please.

22 So this slide illustrates the point I
23 made earlier about last winter's mild weather. This graph
24 shows weather variations for Albany and New York City for
25 every winter since the winter of 2001-2002. And that's

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2 calculated using the heating degree days. So just to
3 remind everybody, a heating degree day is the difference
4 between the average temperature for a day and 65 degrees,
5 with the assumption that at 65 you're neither heating nor
6 cooling your house.

7 If the bars on this graph are on the
8 positive side, there was more heating load for that
9 winter. So you can see the bar for last winter was --
10 went very negative. So graphically showing you that it
11 was very mild.

12 Next slide, please.

13 Our review indicates that the LDCs
14 serving New York have adequate supplies to meet expected
15 customer requirements for design weather conditions this
16 winter. Design weather is defined as the coldest weather
17 the LDC could see during a winter and varies by region of
18 the state. In New York City, the LDCs plan for an average
19 temperature of 0 degrees Fahrenheit, but for Upstate they
20 plan for around 15 degrees below 0 Fahrenheit.

21 Staff will continue to monitor supply,
22 prices, and interruptible customer compliance throughout
23 the winter and report to you any situations that require
24 Commission attention.

25 Next slide, please.

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2 Natural gas prices, as demonstrated
3 through the index known as NYMEX futures prices, have
4 trended downward over the last several years due to the
5 development of northeastern gas supply reserves, which are
6 closer to our area. As an example, if you look at the
7 graph in January 2009, the futures price for gas delivered
8 that month was around \$6 per dekatherm, compared to for
9 January 2016 it was closer to \$2 per dekatherm. And just
10 for reference, a dekatherm -- a typical home uses about 70
11 dekatherms for the winter heating season.

12 Last winter's warm weather had the
13 effect of reducing supply prices. It also caused less
14 natural gas to be withdrawn from storage, which resulted
15 in high end-of-season storage inventories. This created a
16 situation where storage injections this summer were
17 necessarily low. The reduced demand from firm customers
18 last winter also caused more natural gas to be available
19 for interruptible customers and electric generators that
20 rely on interruptible natural gas capacity.

21 Next slide, please.

22 The LDCs purchase gas to supply their
23 customers' winter needs in 3 ways. The first way is by
24 filling their natural gas storage facilities during the
25 summer when demand is low. The second way is by hedging,

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2 which acts like an insurance policy to guarantee the
3 purchase price of the gas will not go too high. The third
4 way is by purchasing at the prevailing market price during
5 the winter, which fluctuates with market forces such as
6 demand and weather, and is called flowing gas.

7 As this slide illustrates, the cost of
8 gas in physical storage and the cost of gas that is hedged
9 for this winter has declined from last winter. In fact,
10 due to the high storage gas inventories at the end of last
11 winter, beginning of spring, the cost of natural gas in
12 storage is the lowest seen in about 20 years.

13 This year's futures prices for flowing
14 gas are higher right now forecasted than last year at this
15 time. But as you can see, due to the warm weather last
16 winter, the -- the price of flowing gas dropped through
17 the winter and ended up being quite a bit lower than
18 forecast.

19 The price of flowing gas is very
20 weather dependent but given our proximity to the
21 northeastern natural gas production areas, we have access
22 to plentiful supplies. And even with colder than normal
23 weather, prices to firm natural gas customers should be
24 fairly stable.

25 Next slide, please.

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2 We expect the average residential
3 customer's winter heating bill to be just less than \$700
4 for the coming winter assuming normal weather, but this
5 varies by utility. If another warm winter occurs, we will
6 expect customer bills to be the same or maybe even lower
7 than last winter.

8 Next slide, please.

9 This slide shows how natural gas
10 supply prices have changed over the last few years and how
11 they can be influenced by weather. The polar vortex
12 winter of 2013-14, which is the 2 highest bars there, saw
13 the highest natural gas prices in recent memory. This
14 slide also demonstrates a general downward trend in
15 natural gas supply prices in the last 5 years.

16 So next slide, please.

17 We annually coordinate with NYSERDA
18 and oil industry representatives on winter preparedness
19 which has proven to be effective in improving
20 communications between the oil and gas heating markets.
21 Most interruptible customers that have ultra-low sulfur
22 number 2 oil as their backup fuel must have adequate oil
23 storage capacity and sufficient fuel on hand. Customers
24 lacking sufficient storage space are required to enter the
25 heating season with their tanks full and a contract for

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2 replenishment of oil as it is drawn down.

3 LDCs must remind their interruptible
4 customers to replenish oil inventories whenever
5 accumulated gas service interruptions equal a total of 5
6 days prior to February 15th of each winter. LDCs will be
7 conducting tests and may inspect the alternate fuel-
8 burning equipment of interruptible customers to ensure
9 compliance with requirements.

10 Staff will convene a conference call
11 with oil industry representatives and NYSERDA when there
12 are interruptions lasting 3 consecutive days or a forecast
13 of 3 days of weather of 20 degrees or lower. In addition,
14 LDCs are encouraged to be as flexible as possible in
15 meeting the needs of any individual customers that may
16 have difficulty obtaining supplies of their alternate
17 fuel.

18 Finally, Staff will be coming back to
19 the Commission in the near future with recommendations on
20 protocols for interruptible customers that will help to
21 increase the reliability of the natural gas system.

22 Next slide, please.

23 So in summary, our review indicates
24 that the LDCs serving New York have secured adequate
25 supplies of natural gas to meet expected customer

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2 requirements this winter. Staff will, of course, continue
3 to monitor supply prices and interruptible customer
4 compliance through the winter and report back to you any
5 situations that require your attention.

6 This concludes my portion of the
7 presentation. I'll be happy to take questions now, or at
8 the end, and whatever you would like.

9 CHAIR ZIBELMAN: Okay. Just knowing
10 the amount of information we're about ready to cover, let
11 me just pause for a minute before we move on and see if
12 any of the Commissioners have questions for Cindy on the
13 gas supply situation.

14 COMMISSIONER BURMAN: I'll wait until
15 the end.

16 CHAIR ZIBELMAN: Well, I'm going to
17 just -- I want to go through each one, so if you have
18 questions on the gas supply I'd rather just deal with it
19 now and then we'll move on to the other issues.

20 COMMISSIONER BURMAN: So I know the
21 winter reliability program is geared towards looking at
22 what we have from resources perspective in making sure
23 that we are in good standing as we head into the winter.
24 And so a lot of the mitigation factors or measures that we
25 do are to address pressures that may be on the system.

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2 And so when we look at that, you know,
3 we really need to look at the outlook from the ISO, EIA,
4 Natural Gas Supply Association, as well as regionally and
5 what other states and what other state ISOs are looking
6 at.

7 And to the extent that you mention
8 that we have an adequate natural gas supply to satisfy
9 firm customer demand, you know, last year I believe was
10 the second largest, warmest weather for the winter heating
11 season on record. So to the extent that we're looking at
12 some of the pressures and the need not just for this
13 winter but for future in terms of reliability, are we
14 working regionally with folks on that issue and some of
15 the pressures that may be there for capacity constraint,
16 supply constraint?

17 CHAIR ZIBELMAN: Cindy, do you know?

18 MR. ADDEPALLI: Clearly, the
19 interruptible customers -- one of the interruptible major
20 customers is generators. And to the extent there are
21 issues or concerns surrounding adequacy of fuel for them,
22 that's going to be picked up in Leka's presentation on how
23 the ISOs, New York and regional entities, New York, New
24 England ISO, and PGM are dealing with it.

25 To the extent it's about other

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2 interruptible customers, non-generators, I think we have a
3 pretty good -- and the LDCs have a good handle on the
4 needs and the coordination with the oil industry and what
5 needs to be done.

6 COMMISSIONER BURMAN: Okay. I'll save
7 my comments for Leka's presentation then. Thank you.

8 CHAIR ZIBELMAN: Any other comments,
9 questions for Cindy?

10 I -- I mean, it's good to see,
11 frankly, that the -- the prices going into this winter are
12 forecasted to be lower. We're going to be covering, I
13 know, the hedging strategies in -- in a little bit. But I
14 think one of the things that is important, and I'm glad to
15 see we're continuing to do this, is work with the LDCs and
16 the oil interruptible customers.

17 I know that that's one of the
18 challenges that we've confronted several times in terms of
19 where the oil customers weren't able to get inventories.
20 And I appreciated the work that Staff and -- is doing with
21 NYSERDA to get ahead of that. And so to be clear, if
22 we're forecasting colder temperatures or worse -- or this
23 -- or 3 consecutive days, we will have calls and -- and I
24 think that's worked well in the past. I've heard from the
25 oil industry that's helped them as -- as well as helping

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2 to manage interruptibles. So I appreciate that.

3 I think with that then, why don't we
4 move on to Leka?

5 Leka, welcome.

6 MR. GJONAJ: Good morning, Chair
7 Zibelman and Commissioners. My name is Leka Gjonaj and
8 I'm Chief of the Department's Bulk Electric System
9 section. I'm here today to brief you on Staff's review of
10 the bulk electric systems preparedness for the upcoming
11 2016-2017 winter period.

12 Just a brief reminder, the bulk
13 electric system comprises the state's major generating
14 facilities, the high voltage substations and the high
15 voltage transmission lines that tie all those together.

16 And before diving into the
17 presentation, I'd like to say at the outset that based
18 upon this review, we conclude that this -- that the bulk
19 electric system is prepared to meet the state's upcoming
20 winter electric demands.

21 So next slide.

22 Okay. This -- this chart shows the
23 summer and winter historic coincident peak demands since
24 the year 2000 with the color red representing summer and
25 the color blue winter. It also illustrates what we

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2 already know, that is the state as a whole is a summer
3 peaking state and, therefore, has to have sufficient
4 available resources to meet loads well above those
5 typically experienced during the winter.

6 For example, this past summer's actual
7 peak demand was 32,076 megawatts, while the forecast for
8 this winter is 24,445 megawatts, or about 7,600 megawatts
9 lower than you'd expect during a summer period. Just to
10 round out the statistics here, last winter's actual peak
11 demand was 23,317 megawatts and that occurred on January
12 19th, 2016.

13 For comparison, this was about 2,400
14 megawatts lower than the 2013-14 or polar vortex winter
15 record of 25,738 megawatts.

16 Next slide?

17 This slide summarizes the resources
18 expected to be available to meet customer demands this
19 winter. Starting with an installed -- starting with
20 installed resources of 40,092 megawatts and accounting for
21 the various line items, such as special case resources or
22 SCRs as they're noted here, external purchase contracts,
23 projected capacity outages, which are based on history and
24 planned maintenance, the peak load forecast and daily
25 operating reserve requirement there -- there remains a

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2 significant capacity margin of 9,433 megawatts for the
3 upcoming winter.

4 Next slide.

5 Major generation facilities. As part
6 of its assessment efforts, Staff reached out to generation
7 owners located primarily in southeast New York whose
8 assets include about 12,000 megawatts of dual fuel
9 generation capability. Dual fuel meaning -- excuse me --
10 the generating unit can burn either natural gas or fuel
11 oil or some blend of the two.

12 Particular attention is paid to this
13 part of the state because of the concentration of electric
14 demand in both New York City and Long Island, and the
15 limited electric transmission capability into this area
16 compared to the rest of the state, making it necessary
17 that local generation be available to reliably meet
18 customer demands.

19 In addition, the overall high demands
20 placed on the natural gas system during the winter may
21 require these electric generators to switch to fuel oil
22 when natural gas is unavailable and a quantity is needed
23 for electric production.

24 So what did we find? We found, this
25 year -- what we found this year is that these generation

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2 owners are continuing to implement lessons learned from
3 the polar vortex winter of 2013-2014, including increased
4 pre-winter onsite fuel oil reserves, firm contracts with
5 fuel oil suppliers to maintain minimum inventory levels,
6 more proactive, slash, aggressive replenishment plans, and
7 more proactive pre-winter maintenance and facilities
8 preparation.

9 Also we -- we have -- we have
10 developed a winter communications protocol with DEC,
11 NYSERDA, and DO -- DOT, rather, and NYISO to address any
12 fuel issues that may arise expeditiously.

13 Next slide, please.

14 The NYISO, prior to last winter, had
15 instituted various changes to its market systems to incent
16 generators to be available and that also increased the
17 total daily operating reserves it procures to 2620
18 megawatts from 1965 megawatts.

19 I'll just give you one brief example,
20 I mean, because NYISOs market systems are fairly
21 complicated as we all know that. But one of the items --
22 a generator gets a day-ahead schedule. Right. So he's
23 committed to certain output levels for each -- for each
24 individual hour. What can happen is the next day
25 something may happen and NYISO may need that generator to

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2 go -- to increase its output.

3 So if it's a cold day and -- and fuel
4 is very pricey at that point, he may go out to procure
5 fuel and it's maybe much higher than what he had
6 forecasted day ahead. So there's a mechanism where that
7 increased fuel price is allowed to be included in his bid
8 and then recover his cost for that sort of thing. So that
9 was a -- a big improvement.

10 Also increasing the reserve --
11 operating reserves purchases, that's -- that also
12 increased the price of these operating reserves which
13 would incent generators to then bid into that market. So
14 those are just some basics.

15 In addition, the NYISO and -- and
16 interstate pipelines enhance the sharing of operational
17 information, providing better situation -- situational
18 awareness to both the NYISO and the pipeline operators.
19 Among other thing -- among other activities, during the
20 winter period NYISO very closely monitors generator fuel
21 levels and their respective replenishments.

22 Turning to our neighbors, our
23 immediate neighboring ISOs, the ISO New England and PGM,
24 are making their necessary preparations for the coming
25 winter and have various programs in place to guard against

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2 fuel shortages and to incent generators to be available
3 when needed.

4 That concludes my presentation. Thank
5 you. And I'd be happy to answer any questions that you
6 may have.

7 CHAIR ZIBELMAN: Thank you.

8 Just -- I also want to note in
9 addition to the items that you noted, I think last year or
10 2 years ago the ISO put a gas person actually on the
11 operating floor. I see folks are nodding their heads.
12 And I think that's also helped, too, so that there's a lot
13 of information going on in the winter in terms of what's
14 happening in the gas market and what's happening in the
15 electric market so we can improve coordination.

16 I -- you know, it -- I think that it's
17 good that we're continuing to pursue what we can do in
18 light of our experience in the polar vortex even though we
19 have the lowest number of gas prices that we've had since,
20 I think, 2008 I saw in slide 5 where we still had that
21 bump. And I -- I can't remember how much that cost us.
22 It was like a billion, 2 billion?

23 MR. ADDEPALLI: Yeah. During the
24 polar vortex, if you just looked at the spot electric
25 energy prices, LMPs in the market, one -- the previous

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2 winter compared to the polar vortex winter, I think we
3 estimated the increased cost over the 3 or 4 months about
4 \$2 billion, New York State. But the actual consumer
5 impact perhaps would be somewhat less given the existing
6 hedges that the utilities and others had.

7 CHAIR ZIBELMAN: Yeah. So, I mean,
8 one of the advantages, of course, is we have fuel
9 diversity in New York and gas only represents as a -- as a
10 supply pool about 40 percent of our overall mix right now,
11 which I think helped mitigate that. But -- but clearly --
12 and that is a good thing, but clearly, you know, taking a
13 look at -- at these strategies.

14 I know FERC is -- is also looking at
15 what to do about coordination and particularly New England
16 and -- and PJM I think there's less of an issue in New
17 York, as I understand. But particularly I think in New
18 England there's a concern and I believe there's an ongoing
19 proceeding too -- couple of ongoing proceedings at FERC
20 that's looking at adequacy going forward. Is that
21 correct?

22 MR. ADDEPALLI: Yes. Clearly winter polar
23 vortex sort of woke up everybody and there's an increased
24 awareness of the need to better coordinate electric and
25 gas markets. So that's one aspect, coordination of

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2 nominations and -- and balancing. The other is to ensure
3 that the generators have adequate incentives to have the
4 fuel that is needed to commit and dispatch.

5 CHAIR ZIBELMAN: Okay. So anyway.
6 Well, it's good news for the winter, at least for us. And
7 if there are any further comments, questions for Leka?

8 Diane?

9 COMMISSIONER BURMAN: You mentioned that
10 customers -- interruptible customers may need to switch to
11 fuel oil. And Cindy touched upon this, as well, with the
12 interruptible customers. And I know that every year
13 before the winter starts, we look to make sure that those
14 customers who will possibly need to switch to dual fuel
15 are able to do that, and if not, giving them time, a short
16 window to fix whatever they need to, to remain as an
17 interruptible customer.

18 Can you just talk a little bit about
19 when that will start and where we think we will be on that
20 aspect?

21 CHAIR ZIBELMAN: Are you talking on the
22 bulk power supply or on the --?

23 COMMISSIONER BURMAN: Both of them talking
24 in general, you know, on this issue and what we're doing
25 for the interruptible customers and the switch to fuel oil

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2 because my concern, obviously, is looking and making sure
3 that everyone is able to do so, but also in terms of then
4 do we have adequate supply and to the extent that we also
5 need to look at what that means for our emissions, you
6 know, it's something that -- that sort of weighs on me
7 because while we are looking at our winter reliability
8 program and making sure we have the proper mitigation
9 measures, you know, it -- it is something that concerns me
10 in terms of some unintended consequences and the concern
11 of -- of folks having to bulk up, for lack of a better
12 word, but also what that then means, you know, in terms of
13 or -- or going out there future-wise from a reliability
14 perspective, but also from, you know, making decisions
15 contract-wise and extra supply that they may need to
16 purchase that they wouldn't have had beforehand.

17 CHAIR ZIBELMAN: So why don't -- Raj, why
18 don't -- and Cindy --

19 MR. ADDEPALLI: Let me start and then --.

20 CHAIR ZIBELMAN: -- why don't you start
21 with the LDCs and then maybe we'll move to the bulk power,
22 retail then wholesale?

23 MR. ADDEPALLI: Okay. I was going to start
24 with the wholesale.

25 CHAIR ZIBELMAN: Oh, well, you go with

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2 direction. It's your day today, Raj. Go whatever
3 direction you want to go.

4 MR. ADDEPALLI: I think there are multiple
5 steps to address your concern or comment. First the ISO
6 has auditing procedures. Mostly the dual fuel generation
7 is downstate where the concern is. So they have
8 procedures for auditing to ensure that the generators have
9 adequate dual fuel capabilities.

10 Second is, like I mentioned, they're
11 also implementing additional incentive mechanisms to make
12 sure the generators have the incentive to be there.

13 And third, I think Leka has been
14 having conversations, and I can ask him to elaborate, with
15 the downstate generators to just talk through this issue
16 over the last 2 -- 3 years since the polar vortex as to
17 what they're doing.

18 And also given that the neighbors are
19 also doing the same thing, ISO New England, hopefully they
20 won't have to lean on us as much in the winter which would
21 also help us.

22 So, Leka, you want to elaborate on
23 your conversations?

24 MR. GJONAJ: Sure. I can -- I can.
25 Particularly downstate, I mean, these dual fuel generators

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2 are very well versed in -- in fuel switching. This is not
3 a new thing to them. They do it -- they have to do it on
4 -- at times in the summer, also. There's also rules in
5 the summer for having to switch to oil. And winter, I
6 mean, this is a routine for them.

7 And all, you know, based on my
8 conversations with, you know, all their equipment is
9 checked or -- they do all their normal maintenance and
10 stuff to -- to maintain that. But it's -- it's not a big
11 thing, so to speak, for those guy -- for those generation
12 asset owners.

13 MS. MCCARRAN: And then just, you
14 know, on the gas side for the interruptible customers,
15 right. So the utilities have already begun the -- the
16 reminders that -- the letters that get sent out saying,
17 you know, look, you need to go and fill your tank, check
18 your tank. They will be scheduling their tests very soon
19 so that they will do a planned interruption, right, of a
20 limited duration. And then that -- that identifies,
21 usually, some people that aren't ready, and that -- that's
22 kind of their wakeup call, look, winter's really coming,
23 you -- you need to get on board here.

24 And then the other thing is the people
25 that we had that maybe last winter didn't interrupt when

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they were supposed to, the utilities will go and physically inspect their facilities, and even, you know, sometimes check the level of fuel in the tank, you know, and make sure the -- the equipment is hooked up and running appropriately. So, yeah, they -- they are beginning those steps.

MR. ADDEPALLI: And in both cases on the bulk power electric side and -- and the gas side, we have initiated and have pretty good communication protocols that we are following now among the relevant players, stakeholders on the electric side, as like I said, we have been working with the DEC, DOT and the ISO to make sure, should there be a need to take any actions quickly that we are prepared to do that, that we are not trying to invent something at that point in time.

Similarly, on the natural gas side, we've been working with the oil dealers, NYSERDA, and the LDCs. And I think there's a common understanding of how these protocols work. And so those would be implemented again this winter.

COMMISSIONER BURMAN: Great. You know, as I see it, there are always, you know, pressure points, weather, economy, consumer demand, price volatility, and looking at the proper storage and production. So I am

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2 glad.

3 And I -- I know that one of the things
4 that we learned from polar vortex also is the need for
5 operational flexibility and responsiveness, balancing that
6 with our need for energy reliability as we are in the
7 winter.

8 So, you know, I think the -- the most
9 important aspect of this is the continued collaboration,
10 not just with ISO and the state agencies, but obviously as
11 we already talked about, FERC and EPSA and Natural Gas
12 Supply Association, as well as the gas and electric
13 marketers and the utilities, and, you know, a whole list
14 of others including, most importantly, the consumers and
15 working through those issues, and looking again and -- and
16 taking a step back after each season to see what we need
17 to do not just to get through the particular season, but
18 for the long-term reliability and -- and keeping in mind
19 some of the pressures that -- that are on there and our
20 projections out as we go forward, making sure that we have
21 safe and reliable fuel at a -- at a price point that works
22 for folks.

23 CHAIR ZIBELMAN: I agree.

24 MR. ADDEPALLI: I -- I think it's
25 probably -- I think it's probably true that Leka Gjonaj is

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2 on the speed dial of all the downstate generators should
3 they need something.

4 MR. GJONAJ: That's correct.

5 CHAIR ZIBELMAN: And they're on his,
6 more importantly.

7 But I think we all agree with that and
8 it's not just a short-term view. We have to take a
9 longer-term view because these things take time to put in
10 place.

11 Any further questions for --?

12 Commissioner Acampora?

13 COMMISSIONER ACAMPORA: Not a question.
14 I've listened to quite a few of these reports over the
15 years. And I really commend our Staff for the work that
16 they do in staying on top of everything. And I think it
17 was important when the Chair mentioned about our
18 diversity. And I don't think I can stress that enough.

19 And, Raj, you mentioned how we have
20 come to the assistance of ISO New England.

21 So what we really did with the Clean
22 Energy Standard, I think is something that other states
23 really should be looking at because we're very fortunate
24 that this has been part of what we do in making sure we
25 have diversity in our state so that when we have these

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2 issues we can work it out. And it -- and it always has.

3 So thank you all for the report.

4 MR. ADDEPALLI: To your comment, amen.

5 CHAIR ZIBELMAN: What is the fuel mix
6 in New England now? Do we know?

7 MR. GJONAJ: I -- it's -- they're heavily
8 gas dependent and they have to retire a bunch of units.
9 So it's getting worse.

10 CHAIR ZIBELMAN: It's like 60 to 70 percent
11 natural gas?

12 MR. GJONAJ: I'd have to -- I'd have to get
13 you a number on that, but it's -- it's --.

14 CHAIR ZIBELMAN: It's not good.

15 Okay. Paul, welcome.

16 MR. DARMETKO: Thank you. Good
17 morning, Chair Zibelman.

18 Good morning, Commissioners.

19 In this part of the presentation, I'll
20 be providing you with a summary of how the electric
21 utilities have performed at reducing the electric supply
22 price volatility for their full-service residential
23 customers --.

24 CHAIR ZIBELMAN: Paul, either you're
25 going to have to -- to move it slower.

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2 MR. DARMETKO: Better?

3 CHAIR ZIBELMAN: Yeah. And we have
4 old ears.

5 MR. DARMETKO: I'll try to speak up, too.

6 So as I said, I'll be going over the
7 supply price volatility mitigation efforts that the
8 utilities have -- have done the past few years, compare
9 this winter's forecast electric market prices to last
10 winter's actual -- actuals and forecast, and finally
11 provide you with an estimate of how we expect a full-
12 service residential customer supply cost to compare to the
13 last few years.

14 This graph shows the results of the
15 electric utilities' electric supply price volatility
16 mitigation efforts since June of 2008. It compares the
17 average New York ISO day-ahead market price volatility,
18 the red line, with the volatility of the utilities'
19 residential electric supply portfolios, the blue line.

20 Each point represents the price
21 volatility over a 12-month period as measured by the
22 coefficient of variation. The 2014 polar vortex resulted
23 in increased market prices and increased price volatility.
24 Even though customers benefited from the hedges that the
25 utilities had in place, the bill impacts that the

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2 customers experienced were high. And as a result of
3 lessons learned, the utilities modified certain aspects of
4 their hedging programs.

5 The changes included increasing the
6 fixed-price hedge level for the residential supply
7 customers during the winter months from about 55 percent
8 to 70 percent on a statewide average basis, as well as
9 certain utilities maintaining multiple portfolios to
10 better hedge for their customers located in different
11 regions in their service territories.

12 This -- this chart shows how the New
13 York ISO day-ahead, around-the-clock market prices have
14 varied over the last few years. The solid lines represent
15 the actual average monthly market prices for 3 New York
16 ISO zones, West, Hudson, and New York City. The dashed
17 lines of similar color shows the NYMEX futures prices just
18 prior to the winter seasons.

19 In the winter months, electric market
20 prices can be significantly affected by gas market prices.
21 These gas prices then reflect the New York ISO electric
22 market prices. As mentioned earlier in the presentation,
23 last winter was significantly warmer than normal, whereas
24 the prior two winters were significantly colder than
25 normal.

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2 Last winter's warmer than normal
3 weather allowed the gas market prices to stay relatively
4 low and, therefore, the electric market prices remained
5 low, especially as we've seen in the last 2 years. This
6 variability is why the utilities hedge for their full-
7 service residential and small commercial customers, to
8 protect them against these wide market price swings.

9 This chart shows this winter's
10 expected average energy market prices based on NYMEX
11 futures and how they compare to last winter's forecast and
12 actual market prices for New York City, Hudson Valley, and
13 West. Last winter's expected energy market prices that
14 were reported to you last October are in green. Last
15 winter's actual market prices are in blue and this
16 winter's expected market prices are in red. As shown,
17 last winter's actual market prices were significantly
18 lower than was forecast going into the winter, about 60
19 percent less, which again reflects last winter's unusually
20 warm weather.

21 And although this year's market prices
22 are expected to be higher than last year's actuals, on a
23 forecast basis, they are about 7 to 20 percent lower than
24 the prior year's futures. The actual price this winter
25 will vary, of course, based on weather and other

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2 conditions. If we experience a warmer winter than normal,
3 we would expect that the actual market prices will be
4 lower than the futures.

5 With respect to customer supply prices
6 this winter season, we expect that on statewide average
7 basis that full-service residential customers will spend
8 less than they have over the last 5 years on average.

9 And that concludes my portion of the
10 presentation and I'd be happy to answer any questions.

11 CHAIR ZIBELMAN: The prices that you're
12 showing on this last slide, these are electric?

13 MR. DARMETKO: Yes, those are what the
14 retail --.

15 CHAIR ZIBELMAN: Yeah, I'm just looking at
16 the left side.

17 MR. DARMETKO: So those are what the full-
18 service residential customers, on average, on a statewide
19 basis, paid over the last few winters -- last 5 winters
20 and what's expected to occur this winter.

21 CHAIR ZIBELMAN: Right. I saw, a couple
22 weeks ago, the -- the EIA reported statistics where on the
23 industrial level -- I think this is a great news story for
24 this state, actually, on the industrial level where we
25 were 50 percent above average, 10 years ago, we're now 10

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2 -- 8 percent below average on retail rates for industrial
3 customers.

4 And, you know, I think that, again,
5 the hedging strategy is that we deploy of -- and as well
6 as maintaining the diversity mix is showing in the sense
7 that we're less subject to the volatility of gas prices
8 and can -- and can weather it better, which is a good news
9 story really for the state.

10 So I have no comment. I think, again,
11 this looks like we're in good shape.

12 Any questions or comments for Paul?
13 Good. Good.

14 Okay. Lorna, welcome.

15 MS. GILLINGS: Good morning, Chair and
16 Commissioners. This report describes the work --.

17 UNIDENTIFIED SPEAKER: Mic's not on.

18 MS. GILLINGS: Good morning, Chair and
19 Commissioners. This report describes the work that
20 Department Staff and the New York State Energy Utilities
21 are doing to provide customers with information to help
22 manage their energy usage and bills for the 2016-2017
23 winter season.

24 As in previous years, both the
25 Department and the utilities will promote messages

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2 regarding the expected pricing and the utilities' actions
3 to reduce price volatility. Messages will focus on how
4 customers can manage winter bills through bill payment
5 options such as budget billing and deferred payment
6 agreements, financial assistance programs such as a Home
7 Energy Assistant Program.

8 Customers are encouraged to take
9 simple, affordable measures to reduce energy use, help
10 lower energy bills, and become more energy efficient. We
11 will also raise awareness of the resources available to
12 assist consumers faced with heat related energy
13 emergencies.

14 Finally, in addition to educating
15 customers about controlling their heating costs, winter
16 messaging will include safety information regarding
17 natural gas, electricity, and carbon monoxide.

18 The Department's winter outreach
19 program uses a variety of methods to get our message to
20 consumers, such as developing and distributing
21 publications to over 5,000 elected officials and community
22 leaders regarding winter preparedness.

23 To further increase our reach, Staff
24 engages in grassroots outreach including presentations to
25 community groups and exhibits at public events across the

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2 state in order to reach as many New Yorkers as possible.
3 We also use the Department's website and/or call center
4 staff to get our messages out to utility customers.

5 In addition to the Department's
6 outreach program, the utilities have developed plans to
7 alert customers about the following. Mitigating price
8 volatility, billing options, storm preparation measures,
9 and gas and electric safety, also energy efficiency tips
10 and information on heating assistance programs.

11 The companies are using a variety of
12 tools to reach customers, including news releases and paid
13 media ads, bill inserts and bill envelope messages,
14 newsletters, on-hold telephone messages, website features,
15 and social media platforms such as Facebook, Twitter, and
16 Instagram. The utilities also work with municipal and
17 elected officials and partner with human resources --
18 human service organizations and community groups.

19 Finally, the companies provide
20 training to their consumer advocates and call center staff
21 on winter messaging and customer assistance.

22 In conclusion, the Office of Consumer
23 Services Winter Energy Outreach and Education program is
24 designed to ensure that New York utility customers have
25 access to information and programs they need to manage

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2 their winter energy bills and use energy efficiently.

3 Staff will continue to monitor the
4 need for additional outreach and education efforts and
5 will work with utilities to make modifications as needed
6 throughout the heating season.

7 This concludes my report. Thank you.

8 CHAIR ZIBELMAN: Thank you. Thank you.

9 And I appreciate the work that Staff
10 does on this regard. I think it's -- it's very important
11 and the fact is -- is that we have to do it constantly and
12 consistently. And it's, I know, an important, big part of
13 our job.

14 Any question for -- or comments?

15 COMMISSIONER SAYRE: Let's say that
16 I'm a heating customer and I'm low income and it's fall
17 and things are pretty good right now, but I'm really,
18 really concerned that I'm not going to be able to pay for
19 my heat this winter and I'm liable to get shut off. What
20 -- what should the consumer in this situation -- what
21 steps should that consumer in this situation take now in
22 the fall?

23 MS. GILLINGS: The --?

24 COMMISSIONER SAYRE: Budget billing would
25 be one?

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2 MS. GILLINGS: Budget billing would be one.
3 The first thing they would want to do is call the utility
4 to let them know that they're having a problem paying the
5 bill.

6 The Home Energy Assistance Program,
7 HEAP, will begin soon, sometime around November 15
8 usually. And so they could be referred to -- for that
9 assistance. Also some of the utility companies have their
10 own in-house low-income program payment assistance program
11 that they can -- they will refer the customer to.

12 COMMISSIONER SAYRE: So the first thing to
13 do would be call the utility --

14 MS. GILLINGS: Call --.

15 COMMISSIONER SAYRE: -- and see what they
16 can do?

17 MS. GILLINGS: Yes.

18 COMMISSIONER SAYRE: Thank you.

19 CHAIR ZIBELMAN: Further questions,
20 comments?

21 Commissioner Acampora?

22 COMMISSIONER ACAMPORA: I'd just like to
23 say that our Office of Consumer Services has always done
24 an excellent job in dealing with municipalities, with
25 elected officials, with the utilities. But we do have

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2 folks out there that sometimes we don't reach. So it's
3 always an ongoing effort.

4 Sometimes people have very strange
5 ideas on how they should be heating their home which
6 causes, unfortunately, death and destruction. So I think
7 that, you know, always staying on top of this is very
8 positive. Even though we do a great job, it's still not
9 perfect yet because we will hear very sad stories during
10 the winter.

11 So I really appreciate the effort and
12 encourage you to keep hammering it home. Thank you.

13 And thanks for the presentation,
14 Lorna. Is this your first time?

15 MS. GILLINGS: My second time.

16 COMMISSIONER ACAMPORA: Second time. I
17 know I don't see you here often.

18 CHAIR ZIBELMAN: Our -- our rules, however,
19 just to be clear, do prevent shut-off during the heating
20 days.

21 MS. SCHERER: Yes, there are special winter
22 protections and the utilities voluntarily do not terminate
23 when the temperature reaches certain degrees.

24 CHAIR ZIBELMAN: Thank you. Good. I think
25 that does it. Thank you, folks, and let's hope for mild

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2 weather because it's always a nice thing from the bill
3 perspective and the life perspective.

4 Mr. Kelly, welcome.

5 Our next item is Item 202, and that's
6 in connection with petitions related to our April 2016
7 Community Choice Aggregation Order. And Ted Kelly, who's
8 Assistant Counsel, will be presenting today. And Luann
9 Scherer, who's Acting Director of Consumer Services, will
10 -- is also here to talk through the item.

11 Also just for the Commissioners', you
12 know, information because Community Choice Aggregation is
13 something that we are pursuing in this state and we had
14 the Westchester pilot, I -- I asked, as part of this
15 discussion, to actually give us a bit of an update on
16 what's happened in Westchester so we have a bit of
17 context, too, since that was one of the reasons we wanted
18 to proceed with that pilot was to get some real-time
19 experience as we're developing the market.

20 With that, I think, Ted, you're
21 beginning?

22 MR. KELLY: Yes.

23 CHAIR ZIBELMAN: Thank you.

24 MR. KELLY: Good morning.

25 CHAIR ZIBELMAN: Good morning.

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2 MR. KELLY: Good morning, Chair Zibelman
3 and Commissioners. Item 202 is the order on 2 petitions
4 filed regarding the Commission's April 2016 order
5 authorizing framework for Community Choice Aggregation
6 opt-out programs, which established a process and
7 guidelines for municipalities in New York State to develop
8 and implement Community Choice Aggregation, or CCA
9 programs.

10 The 2 petitions are National Fuel
11 Gas's petition for rehearing and reconsideration and the
12 Joint Utility's petition for reconsideration and
13 clarification. Luann's going to start off by providing an
14 update on Sustainable Westchester's CCA pilot program
15 which was authorized in February 2015 by the Commission.

16 CHAIR ZIBELMAN: Welcome, Luann.

17 MS. SCHERER: Good morning.

18 Sustainable Westchester began
19 enrolling customers in June 2016. The initial opt-out
20 rates were about 5 percent for Con Ed and 13 percent for
21 NYSEG. Since then, additional customers have opted out.
22 Currently about 83 percent of the eligible customers in
23 Con Ed's service territory are -- are enrolled in this
24 Sustainable Westchester pilot and about 64 percent of the
25 eligible customers in NYSEG's territory are enrolled.

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2 The NYSEG numbers reflect NYSEG time-
3 of-use customers that were returned to the utility because
4 when the agreement between -- the agreement between
5 Sustainable Westchester and the ESCO was negotiated, they
6 didn't have a specific rate for our time-of-use customers.
7 So that's a lesson learned during the pilot.

8 Although Sustainable Westchester does
9 not guarantee a savings, at our request Con Ed evaluated
10 about 1500 customers and determined that customers have
11 saved money, on average, about \$10 a month for the first 3
12 months of the pilot program. Of course, 3 months is not
13 really enough time to determine the success of the pilot,
14 but we will continue to evaluate it.

15 Finally, the Department has received
16 14 complaints regarding the Sustainable Westchester pilot
17 although approximately 91,000 customers are participating.
18 We are closely monitoring this project and speak with
19 Sustainable Westchester, the ESCOs, and the utilities
20 regularly on issues they're identifying.

21 And for your information, Sustainable
22 Westchester is required to file a report -- the first
23 report is due -- they -- they're required to file annual
24 reports. The first report is due 13 months after they
25 began enrolling customers, which is about mid-2017. So

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2 we'll be providing more information then.

3 CHAIR ZIBELMAN: Luann, just on the
4 complaints, can -- without discussing the specifics, I
5 mean, what were the nature of the complaints or concerns
6 that we heard?

7 MS. SCHERER: Yeah, I think most of them
8 were complaints where the customers couldn't understand
9 why there was a new entity showing up on their Con Ed or
10 NYSEG bill. And I think -- I -- you know, one of the
11 lessons is the municipalities are going to have to do more
12 to educate customers so that they really understand -- you
13 know, I think the opt-out letters that were used could be
14 improved. So that's something else we're working on.
15 There is utility switch letters that could be improved,
16 something else we're working on.

17 CHAIR ZIBELMAN: I mean, from -- from my
18 take, before we go on to the proceeding, I mean, I think
19 the -- the fact that the opt-out rates were relatively
20 low, I think, is a -- is a good signal because, you know,
21 one of the things that we're hoping to happen with CCA is
22 that -- is that customers would have a -- an interest in -
23 - in moving and having the -- the local unit of government
24 involved would allow for -- for that, plus with the -- a
25 competitive process in terms of securing the CCA provider

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2 we could -- we could get a better deal for residential
3 customers.

4 So recognizing this is all early days
5 is still nice to know that the -- the -- that we're headed
6 in the right direction --

7 MS. SCHERER: Right.

8 CHAIR ZIBELMAN: -- and -- and we're
9 finding, obviously, always opportunities to improve. But
10 at least the early returns are more positive and I think
11 very positive, as opposed to negative in that respect.

12 MS. SCHERER: One other point that
13 Sustainable Westchester feels very strongly about is
14 customers who are directed to Sustainable Westchester,
15 rather than to the utility or to the DPS. They have a --
16 a much better success rate of the customer not dropping
17 out of the program because they're able to spend the time
18 with the customer, explaining the program. So that's
19 something I think we need to consider as we move forward
20 on these.

21 CHAIR ZIBELMAN: Good. Thank you.
22 Any questions about Luann on this now? Commissioner
23 Burman?

24 COMMISSIONER BURMAN: On Sustainable
25 Westchester, which I think is Westchester Power now if I'm

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2 not mistaken, how does it get looked at from complaints
3 coming in? Is there a requirement for the municipalities
4 to keep complaints? You know, seems like there's a lot of
5 different folks and avenues to direct complaints. So do
6 we have a system in place so that we're actually capturing
7 any complaints or -- or -- or positive comments that come
8 in?

9 MS. SCHERER: Does the Department have a
10 process? We review all the complaints and we'll direct
11 them either to the ESCO or Sustainable Westchester. As
12 far as Sustainable Westchester, the complaints they're
13 receiving, we would expect that they would be -- they
14 would be discussed in the report that they'll file.

15 MR. KELLY: Yes, but with respect to
16 complaints that are initially received by the ESCO or
17 Sustainable Westchester, and somebody instead of coming
18 directly to the Commission or -- or the utility, the April
19 order which does apply to Sustainable Westchester requires
20 that if they can't resolve the complaint, they direct the
21 customer to the utility or to the Department as
22 appropriate. And also requires that in the annual reports
23 that are filed they keep track of any complaints,
24 including ones that they -- that they resolve and ones
25 that they direct forward.

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2 COMMISSIONER BURMAN: Okay. So the April
3 order, which was after the February order, which adopted
4 the Sustainable Westchester slash Westchester Power pilot,
5 the -- the April order, itself, had some things that were
6 different from the pilot. And if I remember correctly, we
7 had a discussion at session in April on some of those
8 drill-downs that might be in the order wouldn't
9 necessarily apply to Sustainable Westchester unless they
10 came back and actually directly asked for that.

11 So how is that worked?

12 CHAIR ZIBELMAN: So Ted or Luann?

13 MR. KELLY: So that -- the -- some of the
14 initial reporting for -- or initial compliance
15 requirements, the implementation plan, the data security
16 plan, which are required of new CCAs, post-April order,
17 Sustainable Westchester was not required to go back and
18 file those because their initial petition and then a plan
19 -- a -- a data security agreement they negotiated with the
20 utilities essentially fulfilled the same requirement and -
21 - and rendered refiling unnecessary.

22 But with regard to the annual report,
23 Sustainable Westchester is held to all of the requirements
24 for annual reports that appear in the April order.

25 COMMISSIONER BURMAN: Okay.

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2 MR. KELLY: Which supplement requirements
3 that were in their original order because they were always
4 required to file some annual report.

5 COMMISSIONER BURMAN: Okay. And I'll save
6 my other comments after the full presentation. Thank you.

7 CHAIR ZIBELMAN: Any other questions about
8 Sustainable or -- what is it? Westchester Power?

9 COMMISSIONER BURMAN: Westchester Power.

10 MR. KELLY: The -- the overarching
11 organization is still called Sustainable Westchester, but
12 they've kind of called -- started to call their CCA
13 segment Westchester Power because they also do some other
14 things.

15 CHAIR ZIBELMAN: Okay. Thank you.

16 Okay. Let's -- then we'll move on
17 then. Ted, do you want to present the next item which is
18 the petition for rehearing? Thank you.

19 MR. KELLY: Yes. So NFG's petition
20 for rehearing requests that the Commission on rehearing
21 modify the program from an opt-out program for residents
22 to an opt-in program.

23 This item would reject NFG's request
24 because, as described in the initial order and further
25 described in this item, both New York's -- our experience

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2 with New York retail markets and evidence from other
3 states that have CCA programs demonstrate that opt-out
4 treatment is necessary for CCA programs to be successful.

5 One example is that New Jersey
6 initially created their CCA program as an opt-in program
7 for residents and that no CCA programs were created under
8 that framework. And it was only after they amended their
9 program to become an opt-out program that they created
10 some successful CCA programs, which they do have a number
11 of now.

12 The opt-out treatment of CCA programs
13 is also justified, given the consumer protections
14 included, which include the requirement that the municipal
15 -- the elected municipal representatives authorize the
16 program, the consumer education and outreach requirements,
17 the requirement that the implementation plan including
18 those outreach plans be reviewed by the Commission and
19 approved, and the opt-out letter, as well as the 2 billing
20 cycles safe harbor period after enrollment, which prevents
21 anyone from being charged a cancellation fee if they don't
22 -- if they somehow missed the initial opt-out letter and
23 outreach but then see it on their bill and decide they
24 don't want to be a member.

25 NFG's petition does not present any

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2 new facts or arguments that would justify a change to this
3 decision. This item also grants the Joint Utility's
4 request for reconsideration and clarification. The
5 reconsideration is 2 minor technical changes to the date
6 of transfers, which utilities are required to perform to
7 CCA administrators or municipalities. Nobody -- no
8 municipalities or potential administrators or ESCOs filed
9 in opposition to those changes, and they -- they're
10 reasonable changes to improve the consumer privacy
11 protections and flow of the programs.

12 It also clarifies, at the Joint
13 Utility's request, that all interested individuals and
14 entities, including the -- the utilities, will have the
15 opportunity to comment on each implementation plan filed
16 to establish a new CCA program before the Commission makes
17 a decision regarding whether to approve it.

18 The item also addresses a concern
19 raised by the City of New York in comments that it could
20 be difficult to implement a CCA program city-wide all at
21 once, given its large geographic size, large population
22 and overlapping jurisdictions. So this order clarifies
23 that the city and other municipalities are permitted to
24 implement CCA programs through a phased or partial
25 approach. And it does require that they identify in the

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2 implementation plan that they will be doing so, the reason
3 for doing so, and whether and how they plan to expand it
4 to other areas of the city.

5 That concludes my presentation and
6 Luann and I are available for questions.

7 CHAIR ZIBELMAN: On the -- just a --
8 just a couple comments, one on the opt-out on -- and on
9 the gas issue. You know, it just seems to me that it's
10 clear -- the -- the evidence is becoming clear that --
11 that community aggregation is a very effective way to get
12 consumers engaged in making energy choices. I had a
13 opportunity to visit with a colleague who works in -- in
14 California and apparently the community aggregation
15 program is going gangbusters there and people are really
16 looking at how they can use communities not just for power
17 supply, but for distributed energy resources, energy
18 efficiency and, you know, more and more counties and
19 cities are just opting in to take a look at how to get
20 engaged.

21 But so I think that -- I didn't see
22 anything in the record that would suggest we were -- we
23 should reconsider our decision to include gas and have
24 opt-out, because I think it's clear that that's the only
25 way to -- to really get people engaged and to be able to

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2 negotiate these contracts. So I feel comfortable with the
3 order.

4 On the other provision concerning the
5 roll-out strategy, now all of the communities have to do
6 implementation plans and it would include segments of
7 communities of 2. Is that correct?

8 MR. KELLY: Yes. That's correct.

9 CHAIR ZIBELMAN: So I -- I would think that
10 there's going to be a balance; right? We're going to --
11 obviously, there are natural geographic sizes or community
12 sizes we'll look at. If there are segments that are
13 either a partial community or it looks like segments of
14 populations are being left out that shouldn't be left out,
15 whether there's red lining, whether it's intentional or
16 unintentional, that gives us an opportunity in the
17 implementation plan to address that concern because that
18 would be a concern of mine where people slice it so thin
19 and then you have half the city in and half out and people
20 under -- not understanding why.

21 Is that -- so we will -- Staff will
22 look at that. And if there is a concern those plans I
23 think come back to the Commission; right?

24 MS. SCHERER: Yes. They're subject to
25 Commission approval.

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2 CHAIR ZIBELMAN: Okay. Okay. I'm
3 comfortable with this on both -- on all of that and as
4 well as the data. So I would intend to vote for it. Any
5 further questions or comments?

6 Commissioner Sayre?

7 COMMISSIONER SAYRE: I've done a lot
8 of marketing programs and plans, and I have found that
9 even with multiple mailings, and door-to-door
10 solicitation, if you get a response rate in the 5 percent
11 rate you've died and gone to heaven. You're -- you're a
12 marketing genius.

13 So my experience is completely
14 consistent with Staff's view that if we were to require
15 opt-in for Community Choice Aggregation, we'd be killing
16 this idea before we give it a fair chance to get started.

17 So I -- I am also in favor of this
18 item. And I note that we've made it very easy for
19 consumers to opt-out. And as we've heard with
20 Westchester, we're carefully monitoring all the complaints
21 and we won't hesitate to take action if there are any
22 improper actions taking place.

23 CHAIR ZIBELMAN: Thank you.

24 Commissioner Acampora?

25 COMMISSIONER ACAMPORA: I -- I agree

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2 with Commissioner Sayre. We never want to be second to
3 California, so we're going to get out there and do a lot
4 more on this. But it is about community outreach. And
5 I'm sure that, knowing the organization in Westchester,
6 they probably are reaching out to other communities
7 throughout the state to show what this can do. And I
8 think that as this moves along and the first report comes
9 in after 13 months that we will see huge movement on this.

10 So I think, again, this is something
11 that we've done that I think is good. And I think this
12 decision is worth a positive vote today. So thank you
13 very much.

14 CHAIR ZIBELMAN: Thank you.

15 Commissioner Burman?

16 COMMISSIONER BURMAN: Thanks. So I
17 have a couple of questions. The NFG raised the issue of
18 going to the Attorney General and/or the Comptroller for a
19 legal opinion. Could you explain that and why Staff feels
20 it's not appropriate for that?

21 CHAIR ZIBELMAN: Ted, do you want to
22 --?

23 MR. KELLY: Absolutely. So NFG
24 suggests that the Commission or Staff request an opinion
25 from the Comptroller or the Attorney General, or both. On

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2 several specific issues related to municipal authority
3 and/or municipal -- municipal responsibilities under
4 certain state laws and constitutional provisions, the
5 Municipal Electric and Gas Alliance which has proposed a
6 CCA and which works very closely with the number of
7 municipalities already, filed some detailed comments
8 regarding why they disagree with some of NFG's assertions
9 that there may -- or maybe or is a problem.

10 What the item discusses is that it's
11 really not the Commission's role to -- Commission's role
12 to rule on the proper interpretation of municipal law or
13 constitutional requirements on municipalities. And it
14 recognizes that municipalities have the ability and the
15 expertise to do this themselves, to evaluate any legal
16 questions or risks. And municipalities also are entitled
17 to request opinions from the Attorney General. And the
18 Comptrollers, to the extent that they believe there are
19 open questions, they're -- they're able to do so. But it
20 also recognizes that, as MEGA demonstrates, municipalities
21 have been engaging with this questions and do believe that
22 it's not -- it -- there are problems presented.

23 CHAIR ZIBELMAN: If I can just --
24 because I think this was a matter, too, that we addressed
25 in our original order, too, which was the certification

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2 required of the -- of the municipality to make sure that
3 they had the legal authority to proceed.

4 And I think, if I recall, we had the
5 same -- not the same discussion here, but it is our -- you
6 know, it is not our role to tell a unit of government what
7 their legal authority is. They need to make that
8 determination and then we expect them to represent to us
9 that they have taken the right action.

10 COMMISSIONER BURMAN: So I generally
11 agree in limited fashion. And I just really want to --
12 because it's a nuance position and I -- I really just want
13 to make sure because I am uncomfortable with leaving that
14 we are saying you know, there may be constitutional issues
15 which we do not believe and the majority does not believe,
16 but -- and leaving it to the municipality.

17 And I just want to take a step back
18 because state agencies and other branches of government on
19 the state level do routinely ask for opinions from the
20 Attorney General and/or the Comptroller. And so my
21 understanding is that, at least as to the Attorney
22 General, that opinions are issued in response to requests
23 by state agency officials and local government officials,
24 or attorneys.

25 And the opinions kind of fall into two

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2 broad categories, formal and informal. And formal
3 opinions are those that issued to state departments and
4 agencies, or entities. And the informal ones are the ones
5 that are for the local government at the request of the
6 attorney for the local government.

7 And you know, I just wanted to sort of
8 be careful that we are, you know, making sure that if
9 there were any broad constitutional issues that may arise
10 or be, that we are helping to be consistent and if
11 necessary, ask you know, the Attorney General and/or the
12 Comptroller for their guidance and seek, as is our -- you
13 know, is our right, a formal opinion on those issues, or
14 look to whether or not municipalities need to be helped in
15 their toolkit to ask for the proper formal or informal
16 opinion.

17 So part of our job is making sure that
18 they have the right information and the toolkit which is
19 put together by NYSERDA with others, including Staff, that
20 we make sure that we identify any of the low hanging
21 fruit. And this may fall within that, so I just wanted to
22 take pause to address that specific issue because
23 otherwise it may come across that we're saying that's not
24 our job and go to it. And I don't think that's what we
25 intend at all.

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2 So I just wanted to clarify my concern
3 on that issue.

4 CHAIR ZIBELMAN: Paul, do you -- I
5 think -- I appreciate that.

6 MR. AGRESTA: If I could, as a former
7 town attorney, I can tell you that a municipality only
8 goes to the Attorney General for an informal opinion when
9 they have absolutely no idea what to do with something.

10 And an informal opinion of the
11 Attorney General is not binding on anybody. Not on the
12 town, not on the state, not on anybody else. It's just an
13 informal opinion to try to help out.

14 What the town really has to do is get
15 an opinion of their town attorney as to what the
16 municipality can do and that's all that matters. It's not
17 our role to decide what municipal law is or what
18 constitutional law is. It's the town attorney's role.
19 And so I think we should stay within those bounds.

20 COMMISSIONER BURMAN: Okay. And I
21 appreciate --.

22 MR. AGRESTA: Now the town officials
23 are elected officials by their own community. They have
24 plenty of responsibility for their own legal decisions and
25 it's really not our business to second guess whatever they

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2 do.

3 COMMISSIONER BURMAN: I agree with
4 you. To the extent that it should be part of the
5 community toolkit which is important, I just wanted to
6 flag -- especially because this Community Choice
7 Aggregation program was set up without any legislative
8 oversight where others have, in other states, been done
9 through the legislative process. So there may be some
10 concern.

11 And to the extent that we are helping
12 the municipalities have the toolkit that they need, it's
13 important for us to make sure that we are looking at that
14 issue, and flagging it if appropriate and necessary. So -
15 -.

16 MR. AGRESTA: Okay. But the towns are
17 using their Municipal Home Rule power and adopting local
18 laws. And so they have a grant of authority under the
19 Municipal Home Rule Law. As long as there's not an
20 inconsistent state law, they can adopt a local law giving
21 themselves the powers that the legislature hasn't already
22 enumerated for them.

23 So again, the municipalities are aware
24 of this. The municipal attorneys know how that whole
25 system works because they use it all the time. And so I

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2 don't see any role for us in any of that.

3 CHAIR ZIBELMAN: Well certainly I
4 would not feel comfortable opining on whether I -- whether
5 a municipal entity had the authority or did not have the
6 authority to do what its town -- town attorney is
7 presumably is allowing them to do. I do think that's not
8 our role.

9 Our role, I think, is -- should be
10 focused on the implementation of the program to make sure
11 our regulations and concerns around energy customers are
12 protected.

13 But -- but saying that, I think that
14 the -- the fact that we're requiring the certification was
15 an intent to make sure that at least somebody looked at it
16 to make sure that they had the exercise of authority which
17 -- which I presume nobody would sign a certification
18 unless they consulted with counsel and local counsel has -
19 - has essentially told them that they're doing what they
20 did. And I think that's the appropriate balance in terms
21 of our job and making sure nobody is engaging in a program
22 that is ultra vires relative to what they believe was
23 within their authority.

24 COMMISSIONER BURMAN: Yes, again, I'm
25 not looking to micromanage the municipalities. I was just

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2 looking to flag an issue that had been raised. We did
3 have an informal opinion prior to the April order. And so
4 to the extent that there may be other things and as
5 appropriate in the community toolkit, which is being
6 worked on, we make sure that that issue doesn't get
7 dropped if necessary to put it in.

8 So thank you.

9 The other issue I just really wanted
10 to sort of focus on is our Community Choice Aggregation.
11 And what I've been very consistent on is that I do believe
12 that Community Choice Aggregation, if done right, can be a
13 really good thing. And for me, the focus has been on the
14 pilot program.

15 When we initially started or when it
16 was approved, which I dissented on at the April order, the
17 pilot program for Sustainable Westchester was really just
18 getting off the ground. And so we really didn't have data
19 points. And we are looking to a June 2017 annual report
20 which will give us more information, including what the
21 mix is, and what's happened since then.

22 So for me, it's very important that we
23 look to making sure we are properly documenting and
24 getting the data that we will need for a robust report,
25 and then drill down on that to make changes or

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2 modifications as necessary.

3 The concern I have is taking that
4 pilot program that we've seen already has had some good
5 information in terms of changes that -- that may be
6 necessary and improvements that may be able to be done,
7 including letters to consumers and education and outreach,
8 as well as including the need for municipalities to do
9 more drill down on information.

10 So for me it's a concern that we start
11 something statewide while we're still trying to work
12 through a pilot program. I understand the balance, and I
13 understand the need that others may be interested in
14 partaking in it, but it does leave me concerned because
15 we, you know, are going full steam ahead with also still
16 needing to get the data points from the pilot. And so,
17 you know, I -- I do have some concern there.

18 I will say, though, that there's also
19 a need to make sure that whatever is done from an
20 educational point of view, including at the municipal
21 level and including looking at the toolkit, that it's
22 really done in an unbiased way, really giving both the
23 pros and the cons. Even if, you know, the -- the
24 messenger thinks that it's the best thing, you know, I
25 really do want to make sure that we carefully look and

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2 scrub any fact sheets or others that may be seeming to go
3 more towards puffery, versus making sure that they have
4 the real concrete facts, and also to highlight some
5 potential things to think of that may trip them up that
6 they can then look to improve upon.

7 You know, we have seen some positive
8 things and, you know, some states are doing a great job,
9 and some states within that state have some real, you
10 know, winners. But there's also some that are not doing
11 so well. And Illinois is one where we're seeing some
12 conversation on the fact that, you know, some
13 municipalities are going back to the utility because the
14 success -- initial successes are becoming -- are perceived
15 as becoming failures.

16 And so for me, it's also a matter of
17 not just looking at the Staff white paper that identified
18 the 6 other states, I believe, but to continue to evaluate
19 what we're learning. You know, California has also had
20 some positives and negatives. And so I want to be able to
21 bring back that information in real time as we move
22 forward so that we are collaborating positively so that
23 they don't look back and say well we were using old data,
24 or not enough data to give us the information.

25 I do have a question. I know it

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2 doesn't seem like it, but I do have a question on adding
3 municipalities to programs. So maybe it's best if you
4 explain that aspect of it. And then I ask -- if it hasn't
5 been clarified because we've talked, Ted. So I just want
6 to make sure that we understand exactly what we're doing
7 when we say we're adding municipalities and they don't
8 have to sort of come back to the Commission. So if you
9 could explain that?

10 CHAIR ZIBELMAN: Sure. I'm not sure
11 that, you know -- I'm not -- I just wasn't quite sure of
12 your question, but --.

13 MR. KELLY: Sure. So it's -- it's
14 once a CCA program is running, so for example Westchester
15 Power is we call it one CCA program that has a number of
16 municipalities in it within the county of Westchester.

17 So like -- like Westchester Power, other
18 CCA programs will likely include multiple municipalities.
19 And some municipalities may want to join up after the
20 initial -- either after the initial program has actually
21 started, or in between when the Commission issues its
22 order and when the program starts.

23 So in either of those cases, the
24 process would be the same as it's been in Westchester
25 Power, which is that as long as the -- the -- everything

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2 in that -- with the way it's done in the community is
3 consistent with the initial implementation plan and with
4 the Commission's order approving that implementation plan,
5 they are allowed to add initial -- additional
6 municipalities by -- once those municipalities have passed
7 a local law and conducted their required outreach, they
8 can then notify the Department and add that municipality -
9 - notify the Department and the Commission.

10 If they were doing anything different,
11 so for example since we discussed the phased approach
12 today if all the municipalities that were approved so far
13 were approved wholly, and then a new municipality wants to
14 come in but through a phase approach, they then would have
15 to come back to the Commission because they were doing
16 something different than what was in the initial
17 implementation plan.

18 COMMISSIONER BURMAN: Okay. That, I
19 think, is something that does, for me, raise a red flag in
20 that I just want to make sure that we are fully evaluating
21 that as we go forward. I'm not saying it's not
22 necessarily appropriate, especially if we're looking to
23 lessen the bureaucracy. My concern is that, in a sense,
24 it is, you know, sort of -- sort of making it more
25 difficult for a new Sustainable Westchester, somebody else

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2 who wants to come in because once you are in and you've
3 been approved, you can just say well, you know, we can
4 skip sort of the Commission process and as long as you
5 follow the other stuff you can just get added to us.
6 Versus someone else who may be looking to be a new -- new
7 into the market.

8 CHAIR ZIBELMAN: I -- I think --.

9 COMMISSIONER BURMAN: So I just have
10 been trying to --

11 CHAIR ZIBELMAN: Yeah.

12 COMMISSIONER BURMAN: -- figure out
13 what -- what -- if we're looking at that aspect of it.

14 CHAIR ZIBELMAN: I think that's a good
15 point. So maybe why don't we -- why don't we take that
16 back and think about that --

17 COMMISSIONER BURMAN: Yeah.

18 CHAIR ZIBELMAN: -- because I think
19 what you're saying is -- is it could compromise the
20 competitive aspects is if someone says well, we'll just
21 add you to an existing program and then someone else would
22 have to start off with a new implementation. And so there
23 might -- maybe there's some further clarification, but --

24 COMMISSIONER BURMAN: Yeah. And I'm
25 not saying that it couldn't work --

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2 CHAIR ZIBELMAN: -- I -- it's not
3 necessarily a really bad thing. I agree with you.

4 COMMISSIONER BURMAN: -- I just want
5 to make sure that we're flagging that issue.

6 MR. KELLY: If I just -- so I
7 absolutely, that's something that we'll back and make sure
8 that we're not causing anything like that. I think -- one
9 other thing I'll just mention is we would expect the
10 initial implementation plan to identify a geographic area.
11 And if they were going to go outside that area, that's
12 another thing that would trigger new Commission
13 consideration. So for Westchester Power, we wouldn't
14 expect them to start adding people -- municipalities in
15 Orange County without coming back to the Commission.

16 CHAIR ZIBELMAN: So these would be
17 communities that were previously identified as potential
18 communities who may not have signed up yet.

19 All right. Let's -- good point. But
20 let's talk about it, because we don't want gaming going on
21 either. And we've run into these issues in other
22 contexts.

23 COMMISSIONER BURMAN: Okay. I
24 appreciate that. And looking at that, that goes to -- and
25 I -- I won't, you know, continue to belabor the comments

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2 that I made at the April order, as well as -- not the
3 February 2015, because I was excused from the session that
4 day, but in the initial opening of it. So I would refer
5 people back to those transcripts for some of my continuing
6 concerns as we move forward, and really more towards the
7 focus of making sure that we incorporate any potential
8 concerns into our ongoing statewide effort in refining the
9 program as we go forward.

10 With that, I do have a question
11 because as I look to both the Sustainable Westchester case
12 and then the Community Choice generic proceeding, it does
13 seem like there are a number of issues that have been
14 raised, you know, one being focused on data security
15 agreements and data transfer fees, as well as some
16 implementation issues and concerns. And those aren't
17 addressed in this order, nor the April order.

18 So what is sort of the game plan for
19 addressing those, and how does it mirror up with the
20 Sustainable Westchester program, which also has open
21 filings on that?

22 CHAIR ZIBELMAN: Go ahead, Ted.

23 MR. KELLY: So there are several kind
24 of open parts of the Community Choice Aggregation
25 proceeding. Two, as you identified, are that in the April

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2 order, the utilities were required to file both proposed
3 data security agreements and proposed data access fees for
4 Commission review, consideration, and eventually approval,
5 or -- or modification.

6 So those are the comment period on
7 the data security fees, I believe, just ended. And Staff
8 is currently engaged in some review and also engaging with
9 the utilities to make sure we fully understand how they
10 were calculated. So that's still pending for Commission
11 review and approval.

12 Those wouldn't apply to Sustainable
13 Westchester because they individually negotiated fees for
14 -- as was permitted for their pilot, and individually
15 worked out a data security agreement, again as was
16 permitted for their pilot.

17 In addition, the Municipal Electric
18 and Gas Alliance has filed their implementation plan. But
19 they still need to file several more documents, as they
20 know, before the Commission can consider that
21 implementation plan. So that -- that's also pending.
22 Commission consideration will wait until they file those
23 documents.

24 And certainly in reviewing that
25 implementation plan, we'll be taking a look at all the

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2 comments that we have related to what's gone right and
3 wrong at Sustainable Westchester, and other aspects of the
4 generic proceeding.

5 COMMISSIONER BURMAN: Okay. Thank
6 you.

7 I -- I really have nothing further. I
8 do, obviously, have some concerns with the ongoing pilot
9 program where we're, you know, still waiting for
10 information. And then having done the statewide program,
11 I do understand the good intent behind that.

12 But to the extent that there are a lot
13 of things that we need to look at and some unintended
14 consequences, both positive and negative, you know,
15 because I dissented on the original order, I'm going to
16 abstain from voting here on this while my concerns still
17 are there. However, I do embrace working through these in
18 a -- a -- you know, in a robust way and focusing on the
19 work ahead, especially as it comes to working with the
20 relevant entities, not only at the state level with
21 NYSERDA, but with municipalities in making sure they have
22 the information, as well as the potential cost outside of
23 the actual community choice program as it relates to the
24 customers and the fees there.

25 So thank you.

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2 CHAIR ZIBELMAN: Thank you.

3 Further comments?

4 Okay. I'm going to then move for a
5 vote on Item 202, which is in connection with the
6 petitions related to the April 2016 Community Choice
7 Aggregation order.

8 All those in favor of the
9 recommendations on the request for rehearing, please
10 indicate by saying I.

11 COMMISSIONER ACAMPORA: Aye.

12 COMMISSIONER SAYRE: Aye.

13 CHAIR ZIBELMAN: Opposed?

14 COMMISSIONER BURMAN: And I'm
15 abstaining.

16 CHAIR ZIBELMAN: Okay. Three in favor
17 and one abstention. The motion carries and the
18 recommendations are adopted. Thank you. Thank you.

19 We're now going to move onto the
20 consent agenda. Do any of the Commissioners wish to
21 abstain or recuse from voting on any of the items in the
22 consent agenda?

23 Okay. Any comments on the consent
24 agenda?

25 Hearing none, then all those in favor,

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2 please indicated by saying aye.

3 COMMISSIONER ACAMPORA: Aye.

4 COMMISSIONER SAYRE: Aye.

5 COMMISSIONER BURMAN: Aye.

6 CHAIR ZIBELMAN: Opposed? There being
7 no opposition, the recommendations are adopted.

8 So before we close today, two -- two
9 items, actually. So one is, you know, there's a -- since
10 we're sort of in the high holiday seasons, but they just
11 ended, there's a term -- which is the opportunity to brag
12 about -- mostly it's about your children. And you know,
13 we're sort of family here. And we like to brag about our
14 children, but I -- I just, before we do move on, I want to
15 note that we have a bragging right in that our own
16 Christine Dickinson, who works with Mike Corso's son, is
17 the first boy who's going to be on CoverGirl, the first
18 male. So we're very, very proud for Christine and we're
19 very, very proud for James Charles. So thank you. And
20 we'll convey that to Christine.

21 The only thing I did mention to her is
22 that since her -- her son is now world renown for his
23 capability of doing make-up, we really think he should
24 show up on Thursdays, once a month, and we'll all look a
25 lot better. So -- but I don't if he'll come. I think

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2 he's, like, too big for us now.

3 The other item, though, is -- is much
4 more somber. As many of you know, Raj Addepalli has,
5 sadly, and to, you know, kind of demoralize us, announced
6 that he will be retiring. A well-deserved retirement.
7 But certainly something that we're all very sad about.

8 And I have a resolution for Raj that
9 the -- all the Commissioners have signed and talks about
10 his -- his fantastic service. I won't read the entire,
11 but I think I would note that Raj has been with us since
12 1985.

13 He was first appointed as a temporary
14 budget assistant, staffing the Nine Mile 2 prudency
15 investigation.

16 It's amazing how this plant has sort
17 of followed you through your career, Raj.

18 And he served -- has served in the
19 Department in a variety of roles, including program
20 research specialist, principal policy and compliance
21 analyst, and chief of consumer policy and compliance.

22 Raj has, also -- not only has he been
23 a great service to the state, he's really been a great
24 service to the world. He's worked extensively with NARUC
25 in helping other countries who've looked at New York's

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2 leadership and regulation and understanding how it works.
3 And he's earned the respect and deep appreciation of many,
4 many other regulatory agencies across the world because of
5 the assistance that he's provided.

6 I think that -- that all of us in the
7 Department, but certainly all of us, I think, in the state
8 in this area, understand the depth of knowledge that --
9 that Raj brings, but also the depth of wisdom and kindness
10 that -- that he brings because I don't think there's many
11 people who can say no you can't do that in as nice a way
12 as Raj Addepalli. And you walk away feeling good about
13 yourself even though he just told you your idea was about
14 the stupidest idea he -- he ever heard.

15 So but more importantly, he's guided
16 us. He's guided the Commissioners. He's guided many
17 Staff. I talk a lot to Staff about this issue about you
18 know, how do you develop your career. And I think you
19 take a look at what Raj has done, the risks he's taken,
20 his willingness to do different things, his willingness to
21 learn, and he's certainly someone I would always say that
22 he's -- he's certainly a student of the world.

23 And we know he's a man of many
24 talents. We've seen him sing. We've seen him dance. He
25 tells great jokes, even though people -- most people don't

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2 recognize that. And he's always ready for a smile and is
3 extremely patient. So I -- I can't tell you how much
4 we're going to miss him.

5 The other thing that, you know, I sort
6 of thought about in -- in thinking about Raj's departure
7 and we started to put together a list. I mean if you
8 think about this; right? Who do you think about on a one-
9 name verse basis? Where's my list. There's Michelangelo.
10 There's Plato. There's Aristotle. There's Madonna.
11 There's Sting. There's Westinghouse. There's Edison.
12 There's Tesla. And there's Raj.

13 So with that, I know others want to
14 make comments, but I do want to note one thing. And as I
15 asked, you know, what -- you know, what's a good quote
16 that I think that we could describe Raj, and I think this
17 is a great one from Swami -- and Greg, help me pronounce
18 this?

19 COMMISSIONER SAYRE: Vivekananda.

20 CHAIR ZIBELMAN: Is that right? So
21 okay. Close enough.

22 The great secret of true success, of
23 true happiness, is this. The man or woman who asks for no
24 return, the perfectly unselfish person, is the most
25 successful.

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2 And I would think that from any
3 measure, we would agree, Raj, that you are exceedingly
4 successful. So we're going to miss you a lot.

5 And now before we say anything, and
6 before I start crying, I'll -- I'll let Patty pick up.

7 COMMISSIONER ACAMPORA: Raj, it's been
8 really a pleasure and honor to work with someone of your
9 abilities. You really exemplify a true professional in
10 every sense of the word. And you know, when people think
11 you work for the state, many people don't realize that we
12 are so fortunate to have such professionals work with us.
13 And I've always admired your ability because you are a
14 very technical person, to make those of us who are not
15 technical people understand truly what is involved in a
16 particular matter.

17 And I think one of the things I will
18 miss about you is the calmness that you bring to a very
19 heated type of matter that we may address. And I think
20 your calming influence has been of great help to the rest
21 of us. And as the Chair had said, you are known
22 internationally. And I had the pleasure to go on a trip,
23 through NARUC, to Croatia where your expertise was
24 invaluable to them.

25 But I have to tell everyone in the

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2 audience if you don't know Raj well, Raj has a sweet
3 tooth. He's the only person I know that went on a trip
4 and says, well you know I have to pick something up for
5 the kids. And what did he come back with? Candy. I said
6 I know we have a dental plan, but I don't think it's that
7 good. And I guess my candy dish in New York will kind of
8 stay full, except, I don't know, maybe some other people
9 will pick up the slack.

10 CHAIR ZIBELMAN: There's me.

11 COMMISSIONER ACAMPORA: You and
12 somebody else over there.

13 So I always tell everybody collect a
14 lot of checks and good health. But in the instance where
15 I mentioned about candy, I wish that your life be like a
16 box of candy, sweet and full of good surprises. So we
17 wish you Godspeed in all that you do and thank you for
18 your service to the people of the State of New York.

19 CHAIR ZIBELMAN: Commissioner Sayre?

20 COMMISSIONER SAYRE: Since you're
21 sitting right in front of me Raj, I'll address my comments
22 directly to you.

23 Raj, you're one of the most
24 intelligent people I know, both in terms of innate smarts
25 and the incredible breadth and depth of the subject matter

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2 knowledge that you have of -- of the huge area that's
3 under your jurisdiction.

4 Like Commissioner Acampora, I'm going
5 to particularly miss your ability to take extraordinarily
6 complicated issues, situations, market mechanisms, all the
7 things that go into REV, and explain them in terms that
8 anybody can understand. If you ever go into the field of
9 education, you'll be a great teacher.

10 But you are also a terrific leader.
11 You know how to develop your people. You know how to
12 mentor them. And you also have the humility to step out
13 of the limelight and let them shine when they can shine.
14 So if you ever go into industry, you'll be a great leader.

15 Raj, I'll miss you.

16 COMMISSIONER BURMAN: So as some
17 people know, I butcher names and have a hard time
18 pronouncing things. And I really am kind of annoyed that
19 it took me, really just about a week ago, to finally
20 pronounce your name right and you're leaving.

21 So for me, I really have a memory of
22 your focusing. And when I would say can you give that to
23 me in a non-technical way, and you would explain it, and
24 I'd say okay, now can you go further and explain in even a
25 more non-technical way, and your ability to continue to

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2 make sure that I fully understood something and where you
3 would drill down where necessary, and answer all of the
4 questions that I would throw at you and help to make it a
5 seamless process, and one that I would come away from
6 feeling that I got all of the information and then some,
7 and understanding, you know, what -- whatever the
8 situation was.

9 One of the memories I have on a
10 personal level is seeing you almost routinely coming home
11 late -- we live near -- near each other -- and always
12 knowing that you were working hard, you know way past the
13 working hour, and always having a smile, a few times maybe
14 you wanted to hit me, but, you know, and just the ability
15 that I felt like you were giving it 120 percent,
16 professionally. And despite the long hours, you continued
17 to smile and produce.

18 My kids also have a memory of you
19 which, you know, we've discussed. It was a really, really
20 hot summer day, up in the 90s, and you were jogging
21 somewhat slowly, in a light grey jogging suit. And all of
22 a sudden my youngest said oh my god, do you see that man?
23 And you were out there, you know, very, very hot, it was
24 apparent. And I said oh, my god, I know that man, he
25 works with me. And my son said what are you doing to him?

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2 And I still remember, you know, that
3 image of, you know, you because it really showed true
4 character to me. I mean, you know, most people would not
5 be out there at that time and -- and, you know, you were
6 sort of like bring it on. And it was very eye opening for
7 me to sort of see just the dedication you have in
8 everything that you do and the ability to continue to work
9 through things, no matter how hard, and to sort of push
10 yourself to all the limits, and really still taking time
11 to bring along others. And I beeped and you smiled and
12 you know, we continued on.

13 You know, I tried to find an
14 appropriate retirement comment. And really what comes to
15 mind for me is from Ralph Waldo Emerson, which says, What
16 lies behind us and what lies before us are small matters
17 compared to what lies within us.

18 And I think that's really appropriate
19 because you do have a lot of goodness in you, and we will
20 be missing you greatly. Thank you.

21 CHAIR ZIBELMAN: Thank you.

22 So in speaking of fulfilling, in
23 addition to being of great intellect, and a great leader,
24 and a great colleague, and a great friend, Raj is also a
25 great husband and father. And also I know there will be

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2 many things, good things coming his way in his last
3 chapter, including a daughter who's getting married.

4 So we wish you all the best and we're
5 going to miss you a lot. And I know I say that, not only
6 just for the people in these agencies, but the entire
7 industry that you've served as well as the people of New
8 York. So thank you.

9 MR. ADDEPALLI: Just a couple of
10 comments.

11 CHAIR ZIBELMAN: Yes.

12 MR. ADDEPALLI: Thank you all for your
13 kind, kind words. It's been a great privilege working
14 here for the last 31 years. It's been a great honor.
15 It's been a great pleasure. And it's been a great
16 learning experience.

17 Thanks to all of you Commissioners for
18 your great support, especially Chair Zibelman, and past
19 Chair Acampora for giving me additional responsibilities
20 and placing confidence in me.

21 And thanks to the institution of the
22 Public Service Commission for adopting me, pretty much.
23 And thanks to all my colleagues, those who are here and
24 those who have retired, who have helped me learn and grow
25 in this 31 years of journey.

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2 I'm going to greatly miss it, but
3 thank you all. I appreciate it.

4 CHAIR ZIBELMAN: Before we all lose
5 it, Commissioner Burgess, is there any -- Secretary
6 Burgess, are there any other -- I'll get this right
7 eventually. I still have more in my term to serve. Is
8 there anything further in front of us today?

9 SECRETARY BURGESS: There is nothing
10 further before you today and the next Commission meeting
11 is November 17th.

12 CHAIR ZIBELMAN: Thank you all.

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**RESOLUTION
OF
THE PUBLIC SERVICE COMMISSION OF THE STATE OF NEW YORK**

WHEREAS, Rajendra Addepalli has served the Department of Public Service, the Public Service Commission and the citizens of the State of New York with great distinction since August 15, 1985; and

WHEREAS, Mr. Addepalli, having first been appointed as a Temporary Project Assistant staffing the Nine Mile II Prudency investigation, served the Department in a variety of roles including Program Research Specialist, Principal Policy and Compliance Analyst and Chief of Consumer Services Policy and Compliance; and

WHEREAS, Mr. Addepalli ably served in many leadership roles in the Department, including Acting Director of Office of Consumer Affairs/OCEA, the head of the Independent System Operator Team, Deputy Director of the Office of Electric, Gas and Water, and Managing Director of Utility Rates and Services, a position that he has held since October 2013; and

WHEREAS, in recognition of his expertise and leadership skills, Mr. Addepalli was selected to participate in the Leadership Classroom by the Governor's Office of Employee Relations; and

WHEREAS, Mr. Addepalli has represented the Department in various forums around the country and internationally, very generously sharing his deep knowledge of the industries that the Commission oversees in order to benefit others; and

WHEREAS, Mr. Addepalli has earned the admiration and respect of Department of Public Service and the Public Service Commission, in addition to the regulated community and the stakeholders who participate in Department proceedings; and

WHEREAS, Mr. Addepalli's technical expertise, thoughtful analysis, sage advice and calm demeanor have been brought to bear in an untold number of meetings, hearings and Commission sessions, all to the benefit of those who had the good fortune of working with Mr. Addepalli; it is

RESOLVED, that the New York State Public Service Commission expresses its deepest appreciation to Rajendra Addepalli for his leadership in the Department of Public Service and his faithful service to the citizens of the State of New York, as demonstrated by his unwavering commitment to the mission of the Commission to ensure safe, secure, and reliable access to electric, gas, steam, telecommunications, and water services for all of New York's residential and business consumers.

Chair _____

Commissioners _____

*At a session of the Public Service Commission
Held on October 13, 2016, in the City of Albany*

Secretary

PSC Monthly Meeting - 10/13/16

2 STATE OF NEW YORK

3 I, Janet Axton, 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 82, 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 20th day of October, 2016.

11

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13 Janet Axton, Reporter

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