

STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION

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Regular Meeting of the Public Service Commission

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THURSDAY, December 19, 2013  
10:30 a.m.  
Three Empire State Plaza  
Agency Building 3, 19th Floor  
Albany, New York

COMMISSIONERS:

AUDREY ZIBELMAN, Chair  
DIANE X. BURMAN  
GREGG C. SAYRE  
PARTICIA L. ACAMPORA  
GARRY BROWN

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2 (The hearing commenced at 10:31  
3 a.m.)

4 CHAIR ZIBELMAN: Well, we'll call  
5 the session to order, and -- call our session to  
6 order. And welcome to everyone, and less we forget  
7 at the end Happy Holidays. I'm sure we won't  
8 forget. And what I'd like to do first is note that  
9 the girls have it, but the guys don't. We're all  
10 color coordinated. You guys really messed up where  
11 are your red ties. So --.

12 COMMISSIONER BROWN: I have a red  
13 face instead.

14 CHAIR ZIBELMAN: But thank you,  
15 and we'll start. Secretary Burgess, do you have  
16 changes to the agenda for today?

17 MS. BURGESS: There are no  
18 changes to the agenda. But if I may, I'd like to  
19 explain the new session process --

20 CHAIR ZIBELMAN: Oh, sure. Thank  
21 you.

22 MS. BURGESS: -- that's  
23 commencing in March. If we could do that?

24 CHAIR ZIBELMAN: Yup.

25 MS. BURGESS: So beginning with

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2    the March session, the Commission will be meeting  
3    two times a month on the second and fourth Thursday  
4    of the month. The Commission's not going to be  
5    considering all industries at each session. But  
6    instead, it's going to be starting what we're  
7    calling a three-session cycle. The industries will  
8    be divided into two sessions. One will deal  
9    primarily with water, telephone and cable. The  
10   second will deal primarily with electric and gas  
11   matters.

12                                And we're using the work  
13   primarily because there may be instances where a  
14   matter from one industry may be -- need to be  
15   considered at a different session. So we have a  
16   little bit of flexibility there.

17                                In rounding out these  
18   three-session cycle, the third part of this is a  
19   new aspect, which we're calling the public forum,  
20   which will again take primarily the form of  
21   technical conferences on matters that the  
22   Commission would like to have additional  
23   information about. Particular issues that we will  
24   convene a panel of experts that will address  
25   particular questions.

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2 So this will start with the March  
3 13th session, and then there'll be approximately  
4 six weeks between each industry, and every six  
5 weeks there'll be a technical conference. And the  
6 calendar, which will identify the industries and  
7 the technical conferences will be posted in the  
8 next few days.

9 CHAIR ZIBELMAN: Thank you. So  
10 more to come on that, and I'm certain if you have  
11 questions, you can ask Secretary Burgess, and  
12 she'll be able to -- to answer those.

13 So with that, we're going to  
14 begin again with our regular agenda. I want to  
15 note that we're going to be discussing, it's  
16 slightly out of order. There'll be items 201, 302,  
17 301, and then 501.

18 With respect to item 201, and as  
19 well as, 302, and 301 these are all items that  
20 we're calling under the general rubric of clean  
21 energy.

22 With the thought these are --  
23 with regard to energy efficiency program, renewable  
24 portfolio standard, and the formation of the Green  
25 Bank. All of these, really, when you -- fit into

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2 an overall concept of where the Commission wants to  
3 move with respect to energy, all of these items in  
4 the green technology space.

5 So to provide a general  
6 introduction, Colleen will be leading us through  
7 over a general purview, I believe, of what the  
8 staff's recommending, and what the orders --  
9 recommended orders are. And then we will go  
10 through each item individually. So with that, let  
11 me turn it over Colleen.

12 MS. GERWITZ: Thank you, Chair.  
13 So good morning, Chair Zibelman and Commissioners.

14 Today we'll be presenting several  
15 clean energy items as the Chair has indicated.

16 Traditionally, we have addressed  
17 the renewable portfolio standard, or R.P.S., and  
18 the energy efficiency portfolio standard, or EEPS,  
19 as independent and separate policy items. Today we  
20 begin the process of integrating and linking these  
21 items along with the new Green Bank initiative as  
22 components of an integrated clean energy portfolio.

23 A portfolio that supports the  
24 larger policy objective of ensuring reliable,  
25 clean, and affordable electric power. A portfolio



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2   including the large up-front costs of some projects  
3   in undeveloped secondary markets for clean energy  
4   financing.

5                                   By intimating private sector  
6   markets, and recycling its initial capital, the  
7   Green Bank holds the promise of bringing many clean  
8   energy technologies to scale, and eventually  
9   reducing rate-payer subsidies. You'll hear more  
10  about this a bit later in today's session.

11                                  While the Green Bank is a key  
12  component, the overriding answer to the question of  
13  how involves changes to regulatory structures and  
14  markets.

15                                  The draft EEPs orders that's  
16  before you proposes that staff develop in the first  
17  quarter of 2015 a proposed scope for a new  
18  proceeding that results in timely decisions  
19  regarding a regulatory framework, and improved  
20  retail and wholesale markets that assures the  
21  success of the post-2015 energy efficiency, and  
22  clean energy programs, and considers a broad  
23  reconstruction -- restructuring of distribution  
24  utility regulation to better align the role of  
25  utilities to enable a market and consumer driven

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2 change.

3 The draft order includes five  
4 core policy outcomes to guide staff in the  
5 development of the structure and scope of this  
6 proceeding.

7 The five outcomes are, one,  
8 customers have the knowledge and tools to  
9 effectively manage their total energy bill.  
10 Customers must know how to procure and supply  
11 services that they value.

12 Two, robust sustainable clean  
13 energy markets that support innovation, and animate  
14 private financing must be developed along with  
15 enabling market and regulatory systems. System  
16 wide efficiency must be increased, taking advantage  
17 of innovation and demand management technologies  
18 storage, and distributed generation in combination  
19 with smart market design, and regulatory measures  
20 that facilitate demand size responsiveness.

21 Four, fuel and resource diversity  
22 must remain a priority through increased use of  
23 clean or renewable generation on a customer  
24 premises. A stronger emphasis on demand response  
25 as a new type of resource, and regulatory market,

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2 and grid system designs that accommodate, and value  
3 this diversity.

4 And five, system reliability and  
5 resilience must be supportive of the policies and  
6 practices designed to ensure that employment and  
7 use of customer based resources.

8 When do we begin? Beyond the  
9 initiation of the new utility restructuring,  
10 proceedings in the first quarter of 2014 has  
11 already been mentioned. Today's draft orders  
12 include several immediate actions to begin to  
13 realize these outcomes, including funding for an  
14 initiation of New York's Green Bank.

15 Two, funding for the 2014-15 New  
16 York Sun Program Years, and direction to NYSERDA to  
17 submit a redesign New York Sun Program structure  
18 with an out-year funding request.

19 And, three, direction to staff to  
20 make a number of near term changes to reduce the  
21 administrative burden associated with EEPS, and  
22 begin work on additional investigations and  
23 improvements to that program.

24 In a few minutes, I will briefly  
25 present the proposed near and mid-term changes to

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2 EEPS. Peter McGowan will present the Green Bank  
3 item. Tina Palmero will present the New York SUN  
4 item. In addition to Peter and Tina, I would like  
5 to acknowledge and thank Tony Balcedo, Deb LaValle,  
6 Mark Reider, Liz Cassaro, and Ted Kelley for their  
7 dedication and effort in developing three clean  
8 items -- energy items that are before you today.

9 CHAIR ZIBELMAN: Thank you.

10 MS. BURGESS: Okay? With that,  
11 I'll go on to the EEPS.

12 Now, for EEPS. The Commission  
13 authorized EEPS in 2008, and ultimately approved  
14 over one hundred different programs to be  
15 administered by NYSERDA, and the investor owned  
16 utilities.

17 EEPS has experienced a number of  
18 challenges that we were most -- that were most  
19 notably identified in the recent Moreland  
20 Commission reports on utility storm preparation.

21 While the program has fallen  
22 behind its targeted goals, it is still yielding  
23 significant energy savings. As of September 2013,  
24 each program administrator have reported the  
25 achievement of five point three million megawatt

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2    hours, and eleven point two million decatherms of  
3    energy savings. This represents seventy-eight  
4    percent of the megawatt hours savings goal to date,  
5    and eighty-two percent of the decatherms savings  
6    goal to date.

7                                   Program administrators report  
8    that one point four billion have been spent, and  
9    committed to achieve these savings. This  
10   represents seventy-six percent of the EEPS goal to  
11   date budget authorizations.

12                                  In September of this year, staff  
13   issued a proposal to restructure EEPS attempting to  
14   address concerns raised by the Moreland Commission,  
15   staff, program administrators, and other  
16   stakeholders. The staff proposal called for  
17   changes to both the current, and future energy  
18   efficiency program cycles.

19                                  The order before you contains a  
20   number of staff recommendations for streamlining  
21   changes for the 2014-15 program years. That if  
22   adopted will promptly reduce administrative burden  
23   on both program administrators, and department  
24   staff.

25                                  These recommendations include,





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2 Exploration of the concept of a  
3 self-directed or banking approach for large  
4 customers. Improvements to the technical resource  
5 manual. And a development plan -- the development  
6 of a plan for sharing customer data with NYSERDA  
7 and others while maintaining the standards of  
8 protection that utilities currently require when  
9 sharing data with their contractors.

10 A number of these activities may  
11 lead to additional proposed changes for the 2014-15  
12 program years that may be brought back to you for  
13 your approval. At the very least, these are  
14 believed to be quote, no regress areas of  
15 investigation that will build a stronger foundation  
16 for New York's future energy programs.

17 And with that, that concludes the  
18 presentation on the EEPS work.

19 CHAIR ZIBELMAN: Thank you,  
20 Colleen. That was very helpful and well done.

21 Before we move on to the other  
22 items let's -- I want to take some discussion on  
23 the EEPS program. And let me just -- just start at  
24 with -- first of all, I want to step back and --  
25 and really praise staff for what I think was a

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2   phenomenal amount of work and thought that has gone  
3   into both the initial petition and, then, the  
4   proposed order.

5                                   I know it's easy in this role to  
6   be the Monday morning quarterback, and look at  
7   everyone else, and say well you need to do things  
8   better. The hardest thing is to actually look at  
9   yourself, and say we need to do things better. And  
10   so a lot of this is -- is staff taking an honest  
11   assessment of what's been working and what's not,  
12   and saying well what do we need to change.

13                                  And, I -- I truly applaud that  
14   move -- the changes, and the recognition. A lot of  
15   the immediate issues and a lot of the things that  
16   where we want to achieve, where we're finding that  
17   we're getting in our own way. And streamlining and  
18   looking for ways to avoid ministerial acts that are  
19   not effective. And, also, thinking more broadly  
20   about where we want to go.

21                                  Just in terms of that, and I  
22   think that the proposed order embraces a lot of  
23   what we -- we believe is the foundational elements  
24   of New York energy's policy, both in the past,  
25   and -- and actually now under Governor Cuomo.

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2 Specifically, we've always been  
3 committed to the very -- the main principles of  
4 making sure electricity is reliable, electricity is  
5 affordable, and the system itself is as clean as it  
6 can be and sustainable. Those are fundamental and  
7 will never change.

8 What's changed and what's  
9 continued to change is the technologies, and the  
10 capabilities in the markets that allow that value  
11 to get to consumers. And what we're talking about  
12 today is recognizing where those changes would be.

13 One of my favorite regulatory  
14 quotes, one of my great heroes, someone who sat in  
15 this seat, the late Alfred Kahn said, all  
16 regulations is incentive regulation. It's just a  
17 question of what we want to incent.

18 And what we're doing today is  
19 really recognizing the orders -- proposed orders  
20 recognizing that one, is you have to start with a  
21 vision. And -- and Colleen, I think, has  
22 identified a number of the elements that are going  
23 to be important at that vision.

24 One of the most important  
25 elements is this recognition that in the 21st

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2   Century things can be totally different.  Rather  
3   than thinking about the electric grid that we  
4   thought that was built in the 20th Century around  
5   central station generation, transmission  
6   distribution, and customers remaining largely  
7   inelastic.

8                                   We now have the opportunity to  
9   really rethink, and actually the obligation around  
10  thinking in terms of how energy efficiency  
11  distributed energy resources, clean energy  
12  resources are as -- no longer peripheral -- I can  
13  say that better -- and but really core to how the  
14  system is not only designed and developed but  
15  operated.

16                                  And, I think part of that is --  
17  is a recognition that to do that vision certain  
18  things have to change.  Because we can have the  
19  best vision in the world, and we even have the best  
20  programs in the world, but if our markets and our  
21  regulatory schematic are not aligned to allow for  
22  that, then we won't achieve what we want to.

23                                  So I think a good part -- one of  
24  the EEPS order from my perspective does this right  
25  balance of saying one, what are the immediate

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2 things that we need and can take care of that will  
3 get in our way of achieving of what we want to do  
4 in 2014 and 2015.

5 Second, what are the things that  
6 we need to be working on that we know that the  
7 staff has identified, that the parties have  
8 identified, that should be worked on, and if they  
9 can be done earlier, definitely should be done.

10 But in the meantime, should be  
11 funded into what -- or -- or put into what we're  
12 going to be doing going forward beginning in 2016.

13 And, third, stepping back, and  
14 saying well wait a minute, we're not going to get  
15 where we want to go if in fact the regulatory  
16 regime we operate on, the roles and functions we  
17 provide of the utilities, the markets we enable  
18 don't embrace this vision, and provides effectively  
19 sufficient long-term vision, and clarity. So not  
20 only do the market operators know what to do, the  
21 other members of the market whether it's the  
22 utilities, or the ESCO's, or the aggregators, or  
23 the technologists know what the vision is. But  
24 also, that there's sufficient clarity and long-term  
25 views so that the financial markets can also be

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2 animated, and that they also have the confidence of  
3 where we are going forward.

4 So, I think it's recognizing all  
5 of these things need to work together, is what the  
6 order proposals that we need to step back to move  
7 forward. And I really applaud staff for both  
8 taking that vision, and -- and the -- and the  
9 courage to say we need to go further, we can do  
10 better.

11 So I thank you for that, and I  
12 will turn it over to my other commissioners for  
13 comments. Commissioner Sayre, would you like to  
14 start?

15 COMMISSIONER SAYRE: Technology  
16 is picking up and shaking the electric industry  
17 just as I saw it do with the telecommunications  
18 industry.

19 The proceedings that are  
20 outlined -- that -- that we outline in these items  
21 may well, as the Chair said, lead to major changes  
22 in the way we look at energy regulation. I  
23 contemplate that the combination of technological  
24 advancement and commission policy will lead to  
25 significant changes in the roles of many of the

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2 market players in the energy market, with a lot  
3 more focus on the customers and behind the meter  
4 activity than we've ever seen before.

5 I'm a believer in letting market  
6 forces work to the extent we can let them work, as  
7 long as this commission maintains its essential  
8 role of -- of ensuring that -- that energy remains  
9 safe, affordable, reliable and clean.

10 To get this right, and we need,  
11 and we will have a multi-stakeholder process. And  
12 I look forward to a great deal of input over the  
13 course of the next year from all interested  
14 parties.

15 CHAIR ZIBELMAN: Thank you.  
16 Commissioner Brown?

17 COMMISSIONER BROWN: I want to  
18 thank staff for coming up with these proposals.  
19 It's -- you know, it's obviously a really important  
20 time to take a look at what our requirements were,  
21 what our requirements weren't, what we were doing  
22 with the data we were getting.

23 The intention has always been  
24 there. We are collecting hundreds of millions of  
25 dollars of rate-payer money, and we have an

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2   obligation to make sure that those hundreds of  
3   millions of dollars that are being spent on energy  
4   efficiency -- the way I've always described it, for  
5   every dollar we collect, we better save more than a  
6   dollar. And it doesn't have to be pure energy  
7   savings. That can have to do with a variety of  
8   secondary factors, but we have been rabid in our  
9   desire to try to ensure that that dollar saved more  
10  than the dollar.

11                               Probably sometimes a little too  
12  rabid. But, the cause was the right cause. So I  
13  think what we're doing today is just making that  
14  adjustment in where we really need to maintain good  
15  heavy oversight, and where we can allow the  
16  programs to be much more flexible, and move without  
17  us getting in the way bureaucratically.

18                               So I think we're achieving a --  
19  an important balance today. Our goal is still the  
20  same, to try to parlay these -- the monies that  
21  we're collecting from rate-payers and doing the  
22  maximum -- doing what we can do with it, and do all  
23  those good things of moving the system into the  
24  21st Century.

25                               So I -- I applaud the efforts

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2 that we're taking today, and thank staff for  
3 their -- staff and all the stakeholders who really  
4 got involved including NYSERDA, who we're going to  
5 be talking about a lot today, and working with them  
6 to try to make these programs better.

7 CHAIR ZIBELMAN: Commissioner  
8 Acampora?

9 COMMISSIONER ACAMPORA: Well, I  
10 guess as someone who's been here for quite some  
11 time, I want to go back in history to when we began  
12 EEPS, knowing full well that this was something we  
13 were starting down a new path.

14 And, we knew that we had to  
15 ensure there was flexibility. And so today, we are  
16 using that flexibility to again ensure that this  
17 works to its optimum. With the use of technology,  
18 as Commissioner Sayre had said, constantly  
19 changing, we want to make sure that again New York  
20 leads, and the customers in New York get the  
21 benefit of all this technology, and do get as  
22 Commissioner Brown was talking about, the bang for  
23 their buck.

24 So I think that, again, I too,  
25 would like to thank the staff, and all the

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2   interested parties who participated in this. But  
3   particularly, I just want to say, you know, this  
4   document has been changed quite a few times, and  
5   it's probably now at the point where it's probably  
6   one of the best, well-written documents that I've  
7   seen in the eight years that I've been here. It's  
8   outstanding.

9                                   So I think today we have  
10  something to be proud of, we are moving forward.  
11  We are not standing in the way, but we will be  
12  there when it may come time again to look at the  
13  flexibility, make the changes that are needed,  
14  continue moving in that upward hill that we're  
15  going.

16                                  So I think, you know,  
17  congratulations to everybody on a job well done,  
18  and this is a day we can be proud of, of the work  
19  that we're doing.

20                                  CHAIR ZIBELMAN: Thank you.  
21  Commissioner Burman?

22                                  COMMISSIONER BURMAN: I'm going  
23  to save my comments until the other two items.

24                                  CHAIR ZIBELMAN: Okay. So well,  
25  thank you very much. And I do have to admit that

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2    yesterday when I read the order, I mentioned to a  
3    few folks that it almost made me cry. So, it is an  
4    extraordinary exciting time. I think we're -- we  
5    definitely are looking forward to it.

6                                   Certainly, New York has a  
7    history, and a reputation of a state that both is  
8    not afraid to change, embraces markets to the  
9    extent that they are available to provide value,  
10   and sees regulation as a tool to enable  
11   sustainability.

12                                  And, I think that this order  
13    really carries on that tradition, so thank you.  
14    With that let me ask, in terms of all those in  
15    favor, of the recommendations to make the  
16    short-term changes in EEPS that will improve  
17    program delivery, administration, directing staff  
18    to immediately begin working with NYSERDA and  
19    others on the mid-term changes, and it's also to  
20    begin a proceeding for these longer term changes  
21    indicate by saying aye.

22                                  COMMISSIONERS: Aye.

23                                  CHAIR ZIBELMAN: Hearing no  
24    opposition, and there being no opposition the  
25    recommendation is adopted. Thank you.

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2 So now, let's turn to the next  
3 item, which I believe - put my glasses on - is the  
4 petition of NYSERDA to provide initial  
5 capitalization of the New York Green Bank.

6 And Peter McGowan, you'll be  
7 leading that discussion?

8 MR. MCGOWAN: Yes. Good morning,  
9 and thank you.

10 As the Chair indicated, today  
11 we're trying to bring several different things  
12 together, and engage several different sectors,  
13 market operators, utilities, other providers of  
14 energy servicers, vendors of clean energy products  
15 and financial markets.

16 And, I think this -- this item is  
17 a great example of an effort to engage financial  
18 markets and bring financial markets more closely  
19 and better aligned with our objectives.

20 So the item that we're now  
21 discussing is NYSERDA's proposal to develop a  
22 public/private alliances through the establishment  
23 of a new Green Bank to facilitate the financing for  
24 clean energy, and energy efficiency projects.

25 In particular, NYSERDA seeks to

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2 reallocate one hundred and sixty-five --  
3 approximately one hundred and sixty-five million of  
4 currently uncommitted energy efficiency and clean  
5 energy programs to this newly established New York  
6 Green Bank, as an initial step to capitalize the  
7 Green Bank.

8 These funds would also be  
9 combined with approximately forty-five million of  
10 funds from the regional greenhouse gas initiative  
11 for an initial capitalization of approximately two  
12 hundred and ten million dollars. The goal of the  
13 Green Bank is fundamentally to reduce market  
14 barriers, and transform energy efficiency, and  
15 clean energy markets.

16 Reducing these barriers will,  
17 one, provide more attractive financing options, for  
18 end users who are attempting to bring these  
19 technologies into their -- into their energy world.

20 Two, it can lower cost of capital  
21 for energy efficiency, and clean energy technology  
22 providers.

23 And third, it can increase the  
24 volume of energy efficiency and clean energy  
25 technology transactions, which in turn can drive

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2 economies of scale to further reduce costs for  
3 these technologies.

4 In response to the Commission's  
5 notice of proposed rulemaking, many comments were  
6 provided. I think in the neighborhood of sixty to  
7 seventy. And they have been carefully considered  
8 in fashioning our recommendation today.

9 With few exceptions, commenters  
10 were supportive of the establishment of the Green  
11 Bank. Support came from all stakeholder sectors,  
12 including utilities, public interest organizations,  
13 participants in the clean energy market, private  
14 financial firms, consumer interest groups, and  
15 energy suppliers.

16 So let's talk about the need for  
17 the Green Bank. NYSERDA conducted a study with  
18 Booz and Company that identifies substantial  
19 untapped market opportunities. But also,  
20 significant market barriers.

21 So these market barriers -- some  
22 examples of these market barriers are an  
23 underdeveloped secondary capital market, low volume  
24 of transactions, which I think is due to the fact  
25 that there is a lack of commercial -- of robust



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2 Third, direct lending.

3 Fourth, more complex transactions  
4 would be developed in terms of structured tax  
5 equity funds.

6 And, then, a fifth more general  
7 effort that the Green Bank would attempt to pursue  
8 is informational tools. Getting more transparency  
9 in performance data, loan conformity standards, and  
10 vendor certifications.

11 So what are the scope of the  
12 activities that the Green Bank would undertake?  
13 The Green Bank proposes to use its capital to  
14 support energy efficiency, and clean energy  
15 technologies within the existing scope of the  
16 commissioned, R.P.S. program, the EEPS program, and  
17 the S.P.C. program.

18 The Green Bank is essentially  
19 going to enter into alliances or partnerships,  
20 collaborations with private financial institutions.  
21 So they would be working with these institutions,  
22 not in competition with them. They will support  
23 scalable, mature technologies, and commercially  
24 accepted deployable technologies, as well as,  
25 system-based solutions. And again, they will

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2 primarily be using the four categories of capital  
3 solutions that I previously mentioned.

4 A number of parties urged the  
5 Green Bank to dedicate capital to particular  
6 sectors, particular technologies, particular fuel  
7 types, and what the recommendation that we're  
8 making is to give the Green Bank flexibility  
9 consistent with the broad boundaries of deploying  
10 funds to support technologies that fall within the  
11 eligibility boundaries that I mentioned earlier.

12 Let's talk about the structure of  
13 the proposed Green Bank. The Green Bank will be  
14 part of NYSERDA, and this will allow the Green Bank  
15 to leverage and work with the existing expertise,  
16 and coordinate with the programs that NYSERDA is  
17 already well on the way of understanding and  
18 rolling out.

19 Second, the Green Bank will be --  
20 the Green -- the Green Bank will be staffed with  
21 NYSERDA employees. The head of the Green Bank will  
22 report to the President and C.E.O. of NYSERDA. An  
23 expert advisory committee provides guidance on  
24 Green Bank operations and activities.

25 NYSERDA will supply the essential

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2   administrative support in the start-up phase. And  
3   the goal is for the Green Bank to eventually have  
4   earnings on their investments, which could  
5   eventually enable the Green Bank to be self --  
6   self-sustaining, and to recycle the capital in  
7   future years, which is a way of hopefully reducing  
8   the need for subsidies and grants.

9                                   It's important that the  
10   activities of the Green Bank have accountability  
11   and transparency. The Green Bank as a division of  
12   NYSERDA will be subject to the same State laws, and  
13   standards that govern NYSERDA.

14                                  The Green Bank will establish  
15   internal controls and risk management policies,  
16   appropriate for these activities. The Green Bank  
17   will establish investment criteria and an  
18   investment committee to screen and select proposed  
19   financial transactions.

20                                  Before engaging in any  
21   transactions, the draft order proposes that the  
22   executive director of the Green Bank certify to the  
23   Commission that its organizational prerequisites  
24   have been achieved, and that appropriate controls  
25   are implemented.

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2 So, that is in brief the summary  
3 that -- that what the proposal before the  
4 Commission is. And the basic recommendation is  
5 that because the dedication of these funds to the  
6 Green Bank will serve the goals and policies that  
7 the Commission has set for EEPS, R.P.S., and S.B.C.  
8 programs.

9 And because NYSERDA's proposal  
10 presents market transformation opportunities and  
11 offers potentially significant benefits to  
12 rate-payers, including increased leverage of  
13 private capital, it is recommended that the  
14 Commission grant NYSERDA's petition.

15 I think it's worth noting that  
16 the proposed reallocation that NYSERDA is  
17 requesting consists of three point five million of  
18 uncommitted NYSERDA EEPS one funds, twenty-two  
19 million of uncommitted NYSERDA S.B.C. three funds;  
20 ninety million of uncommitted utility EEPS one  
21 funds, and fifty million of NYSERDA R.P.S. funds.

22 Only uncommitted funds that are  
23 otherwise not being deployed are being reallocated.  
24 Thus the initial funding for the Green Bank will  
25 not increase collections from rate-payers.

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2 Finally, I would observe that the  
3 Green Bank's market-oriented focus is consistent  
4 with the broader effort outlined by Colleen to  
5 align the Commission's regulatory framework, and  
6 market design to support markets.

7 So, if the Commission embraces  
8 this petition, the next steps would be for the  
9 Green Bank to file an organizational plan within  
10 sixty days, for the Green Bank to file its business  
11 plan within six months at which -- and that plan  
12 would be updated annually.

13 The Green Bank would also provide  
14 quarterly reports on its activities, and the Green  
15 Bank will -- would be required to work with the  
16 department staff, and parties to develop  
17 performance metrics to -- performance evaluation  
18 metrics, including risk management, financial and  
19 market impact, and success in meeting clean energy  
20 goals.

21 That concludes my presentation.

22 CHAIR ZIBELMAN: Okay. And thank  
23 you, very much.

24 Before I turn it to my fellow  
25 Commissioners for comments, I -- you know, I -- I

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2 think that the Green Bank is in my view is it's  
3 going to be a critical element of us achieving what  
4 we want to do to move forward.

5 And note that the formation of  
6 the Green Bank is an element that is -- was  
7 announced by the Governor last year as part of his  
8 State of the State, and really is a critical piece  
9 of where we want to move when I say that we want to  
10 move energy efficiency, clean energy technologies  
11 from afternoon programming to prime time.

12 And in the prime time is  
13 recognition that one of the best things that we can  
14 do for consumers is to make sure that as we move  
15 things forward, not only are we animating markets,  
16 but in the end we're moving away from the need to  
17 require rate-payer funding of these technologies.

18 But rather to allow the capital  
19 markets to be able to function and provide them,  
20 not because they're mandated, but because they're  
21 good for the economy, and they get us where we need  
22 to go.

23 And you know, my view is that the  
24 private capital is there, and it wants to work.  
25 But it needs the clarity of the vision, which we're

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2    looking to provide, it needs the certainty of where  
3    the world is going. And in the beginning stages as  
4    we're doing now with the Green Bank, it needs  
5    the -- the gap funding in various types of  
6    programs. And, so, all of these three become core  
7    elements of what we'll get to in terms of enabling  
8    the vision.

9                                   With regard to that, though, I am  
10   mindful of the fact, and as -- as Commissioner  
11   Brown just indicated with respect to the EEPS  
12   order, we're collecting consumer money and it's  
13   critical for us to make sure that that money is  
14   being wisely spent.

15                                  But, at the same time, we need to  
16   recognize that in doing this we need to afford  
17   sufficient flexibility to NYSERDA and Green Bank to  
18   be successful. So for us, it is that careful  
19   balance of recognizing that -- that the obligation  
20   to make sure that the monies are well spent remain  
21   with us. It's something that we can delegate, but  
22   not advocate. And, that requires sufficient  
23   transparency and continuous transparency of how --  
24   how the organization is going to work. Making  
25   certain that the people who are making these

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2    decisions are qualified to make these decisions.  
3    And I note that recently with both John Rhodes  
4    joining Green Bank, and the new -- or joining  
5    NYSERDA, and the new President of Green Bank, we're  
6    developing that capability, but amplifying that  
7    with the advisory committee, as well as the  
8    investment committee.

9                                   And then second -- and then  
10   thirdly, making sure -- there might be four there  
11   but -- is making sure that we're getting continuous  
12   reporting of what is going on.

13                                  So it's -- it's almost the Six  
14   Sigma, state what you're going to do, plan what  
15   you're going to do, review on how you're doing it,  
16   and then take mid-course corrections to make sure  
17   it's working.

18                                  And it's providing that level of  
19   transparency that's going to be very important to  
20   us, so I -- I applaud the structure, and I think  
21   it's -- it's the only way it can work. With  
22   respect to that, we're looking forward to the  
23   continuous input of work of NYSERDA and the staff  
24   working together. And, as well as, the input to --  
25   of third parties.

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2 I do appreciate the fact that so  
3 many people have said, yes, this is the way to go.  
4 We need to be thinking about how we get private  
5 capital in, and that the greatest role that we can  
6 use of rate-payer money, or one of the greatest, is  
7 to help animate that private capital and get over  
8 what we -- the Silicone Valley folks talk about --  
9 that valley of death where you have very good  
10 technology, very economical solutions, and yet they  
11 need to get to scale, to become self-funding and  
12 that's really a critical element of what all this  
13 is about.

14 So, I think it's a great  
15 recommendation, great use of rate-payer funds, and  
16 a really terrific step forward for the State. So  
17 thank you.

18 And with that, let me just go  
19 left to right here, it makes it easier for me.  
20 Commissioner Brown?

21 COMMISSIONER BROWN: You know,  
22 there's -- there's studies galore that we keep  
23 seeing that shows there just continues to be a lot  
24 of untapped, cost-effective energy efficiency  
25 measures.

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2 It just doesn't get done even  
3 though cost effectively the rational economist,  
4 like Mark Reider would say, people should decide  
5 because it's got a payback that makes it a good  
6 investment. But it doesn't happen. And, it  
7 doesn't happen on the residential level, but we  
8 also see it in commercial buildings, institutional  
9 buildings, industrial places, that if it doesn't  
10 have a payback of, you know, ridiculously short  
11 time it doesn't get done, even though it's cost  
12 effective.

13 So, obviously, opportunities are  
14 being missed. And what I look at the Green Bank is  
15 that -- is another tool that we're developing here  
16 that allows these cost-effective, energy-efficiency  
17 measures to occur. And if a financing is part of  
18 the problem, then the Green Bank hopefully can  
19 parlay in working with private institutions,  
20 overcome that barrier. And it's -- I'm going to  
21 describe it a little bit of it as an experiment, I  
22 think it's been proven elsewhere. But it's an  
23 experiment well worth trying. And the real benefit  
24 of it is if it really does work, it can become a  
25 revolving fund, which would then decrease the need

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2 to continue collection of monies to achieve these  
3 energy efficiency goals.

4 So it has tremendous potential.

5 I'm looking forward to the implementation, and  
6 watching what happens. And I think we'll keep a  
7 close eye on -- on the Green Bank, and you know,  
8 how much it gets out, and what the effect, and  
9 all -- all of the various factors, the details that  
10 I think we're still kind of being worked on as we  
11 speak. But, I'm -- I'm happy to moving forward  
12 with it today, and -- and giving a new tool in our  
13 arsenal.

14 CHAIR ZIBELMAN: Yes.

15 Commissioner Acampora?

16 COMMISSIONER ACAMPORA: Well, I  
17 certainly think it's an opportunity again to go to  
18 some of those under-utilized technologies that are  
19 out there that haven't been the top ones, but could  
20 be down the road.

21 So I think it does open the  
22 doors, and, of course, that always is a benefit to  
23 the consumers out there. I would ask that when the  
24 business plan is ready, and I also had asked for an  
25 organizational chart. I think it would be

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2 important to get that to us, so we can see that  
3 rather than waiting for reports. Just that it  
4 gives us a better overview of what exactly the  
5 whole plan, and going forward, and how the makeup  
6 of the Green Bank will be.

7 So I think, you know, that's  
8 something I would ask for. Again, New York is  
9 moving again. So it's a good thing.

10 CHAIR ZIBELMAN: And I think  
11 that's anticipated, isn't it?

12 MR. MCGOWAN: Yes.

13 CHAIR ZIBELMAN: Thank you.  
14 Commissioner Sayre or I would say Lord Sayre, as I  
15 learned last night.

16 COMMISSIONER SAYRE: This is a --  
17 a ground-breaking idea. It hasn't been tried on  
18 this scale before elsewhere. But there are many  
19 extremely highly-qualified people who are dedicated  
20 to make it work.

21 I think it is well worth  
22 investing uncommitted funds where we're not  
23 increasing any rate-payer burdens by setting this  
24 up with the goal and firm expectation that it will  
25 lead to reduced rate-payer costs in the future.

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2 CHAIR ZIBELMAN: Thank you.

3 Commissioner Burman?

4 COMMISSIONER BURMAN: I'm going  
5 to save my comments.

6 CHAIR ZIBELMAN: Okay. So with  
7 that then, all of those in favor of the staff's  
8 recommendation to grant NYSERDA's petition to  
9 reallocate one hundred and sixty-five million in  
10 uncommitted EEPS, S.B.C. and R.P.S. funds, to  
11 provide for the initial capitalization of the Green  
12 Bank as Mr. McGowan just described, please indicate  
13 by saying aye.

14 THE COMMISSIONERS: Aye.

15 CHAIR ZIBELMAN: Hearing no  
16 opposition, and there being no opposition, the  
17 recommendation is adopted. So, thank you.

18 With respect then, let's -- we  
19 will go to the last item, which is item 301, and  
20 that's with respect to the regional renewable  
21 portfolio standard. And Tina Palmero is -- who's  
22 the Chief of the Office of Energy Efficiency and  
23 Environment will be presenting that today.

24 Welcome, Tina.

25 MS. PALMERO: Thank you, Chair

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2 Zibelman. Good morning, Commissioners. I feel  
3 like this is the clean sweep of the -- it's the  
4 clean sweep of the trilogy of clean energy  
5 initiative. So I'm glad you saved the best for  
6 last.

7 COMMISSIONER BROWN: The lord of  
8 the green.

9 MS. PALMERO: Item 301 responds  
10 to a petition filed by NYSERDA regarding the solar  
11 P.V. programs that it administers under the  
12 Commission's renewable portfolio standard.

13 Specifically, NYSERDA requests to  
14 reallocate funding from the main tier to the  
15 customer-sided tier of the R.P.S. program, to  
16 continue to support the New York Sun initiative, to  
17 transition the current P.V. programs to a megawatt  
18 block structure.

19 And, NYSERDA would like to be  
20 granted more flexibility in its administration of  
21 the program. The solar P.V. program has been part  
22 of the customer-sided tier since the R.P.S. was  
23 first adopted by the Commission. P.V. technology  
24 in the program administered by NYSERDA have made  
25 significant progress in its Sun, and hold promise

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2 in other long-term policy objectives articulated by  
3 the Commission during the design of the  
4 customer-sided tier nearly ten years ago.

5 These policy objectives include  
6 peak demand reduction, particularly in load pocket  
7 areas, economic development, environmental  
8 benefits, and providing customers an opportunity to  
9 directly affect the generation source of the  
10 electricity they consume.

11 The solar P.V. programs  
12 administered by NYSEERDA provide rebate incentives  
13 through a standard offer for installations up to  
14 two hundred kilowatts.

15 And there's a second program for  
16 larger installations over two hundred kilowatts  
17 that are acquired through a competitive selection  
18 process based on good price.

19 The programs have been revised  
20 over the years, with Commission approval, to keep  
21 pace with evolving markets and customer demand.

22 A significant revision to the  
23 program occurred in 2012 to support Governor  
24 Cuomo's New York Sun initiative that called for a  
25 significant increase in the amount of solar P.V.

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2 capacity installed in the State.

3 At that time, the Commission  
4 authorized an increase in funding for the P.V.  
5 programs, doubling it from fifty-four million per  
6 year to a hundred and eight million per year  
7 through 2015, the term of the R.P.S. program.

8 It authorized NYSERDA to  
9 reallocate existing unencumbered main tier funds to  
10 the customer side of tier to support those P.V.  
11 programs for program years 2012 and 2013.

12 It deferred a decision on the  
13 source of funding for 2014 and '15 until the launch  
14 of the 2013 review, which has commenced. The  
15 Commission also prescribed some specific program  
16 requirements to ensure a sustained level of growth  
17 in the P.V. market throughout those years in a  
18 cost-efficient manner.

19 This increase in funding has  
20 greatly helped to accelerate the P.V. program, and  
21 the goals of the New York Sun initiative. In 2012,  
22 the number of total applications to install P.V.  
23 increased nearly eighty percent from 2011, and the  
24 capacity more than doubled during that same time  
25 period. In addition, the incentive rebate per watt

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2 offered by NYSERDA continues to decline allowing  
3 the State to achieve more solar capacity per dollar  
4 invested.

5 To ensure that there is no  
6 interruption to the program, NYSERDA requests that  
7 it once again be authorized to reallocate existing  
8 unencumbered main tier funds to support program  
9 years 2014 and '15. It notes that there is again  
10 sufficient unencumbered funds to support this.

11 Staff concurs with that  
12 assessment and recommends that the Commission  
13 authorizes reallocation of one hundred and eight  
14 million from the main tier to the customer side of  
15 tier. The total funding would bring this -- the  
16 total funding of two hundred and sixteen million  
17 dollars for the next two years would be brought to  
18 the solar P.V. programs.

19 In addition, NYSERDA seeks to  
20 redesign the programs to respond to the changing  
21 solar markets. This design would entail a  
22 longer-term schedule of megawatt energy targets  
23 with corresponding rebate incentives.

24 These incentives would decline as  
25 megawatt targets are reached in each block. The

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2 ultimate goal of this approach is to provide a  
3 clear, transparent and predictable path to  
4 eliminate direct incentives in these programs,  
5 while continuing to grow the market.

6 So we're trying to transition  
7 this industry to a self-sustaining market free of  
8 direct incentives. Similar to what you have been  
9 referring to.

10 Again, staff supports this  
11 megawatt block approach, but it recommends that the  
12 Commission require NYSERDA to come in for  
13 Commission approval of its plan for designing this  
14 megawatt block program to inform the Commission  
15 some of -- some of the design criterias including  
16 program goals.

17 It also suggests that if the  
18 program is designed beyond 2014 that NYSERDA come  
19 in with a funding request to support the program  
20 beyond the terminus year of 2015.

21 NYSERDA also requests more  
22 flexibility in administering the P.V. programs,  
23 which includes having flexibility in establishing,  
24 and adjusting the appropriate funding allocations  
25 between the standard offer, and the competitive

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2 P.V. programs. This would be based on demand and  
3 other market conditions.

4 NYSERDA also mentions in its --  
5 in its petition that it would keep the thirty  
6 million that the Commission established in prior  
7 orders to the downstate area. So, while it would  
8 allocate the remaining -- the remaining hundred and  
9 eight million a year between the two programs, it  
10 would keep thirty million for the downstate region.  
11 Again, staff supports this request.

12 And, in addition to that funding  
13 flexibility between the standard offer, and the  
14 competitive P.V. program, it also recommends  
15 that -- staff recommends that the Commission relax  
16 some of the other current program requirements to  
17 allow NYSERDA to develop this megawatt block  
18 design, and allow for a smoother transition to that  
19 program.

20 I just wanted to mention one  
21 other item. In NYSERDA's petition they discussed  
22 that there may be some opportunities for some  
23 enhanced coordination with LIPA in its  
24 administration of its solar P.V. programs in its  
25 service territory on Long Island. LIPA, as well as

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2 NYPA, both play a role in the Governor's New York  
3 Sun initiative.

4 CHAIR ZIBELMAN: Uh-huh.

5 MS. PALMERO: While staff isn't  
6 recommending any Commission action on this at this  
7 time, we just believe that there is merit for  
8 NYSERDA to continue to work with LIPA and NYPA, and  
9 if they identify, you know, potential benefits, and  
10 believe that it could enhance the current statewide  
11 program, that they should submit a proposal for  
12 Commission consideration if it affects the programs  
13 that NYSERDA's currently administering.

14 That concludes my presentation.

15 I'm available to address any questions you may  
16 have.

17 CHAIR ZIBELMAN: Thank you, Tina.

18 So as you've indicated, this is  
19 also a very key portion, and of where we're headed.

20 Clearly, in the last I would say  
21 fifteen years, we've seen incredible changes in the  
22 solar market.

23 The price of solar has gone down  
24 tremendously, and we have an opportunity to really  
25 move things forward, and move away from programs

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2 around solar that require government funding to  
3 truly a self-sustained market.

4 And the only way, and again,  
5 there's a common theme here, is that that's the  
6 direction where we want to go. We want to be smart  
7 about it, and we recognize there has to -- and I  
8 think the staff has recognized, the order  
9 recognizes it, there has to be a long enough  
10 runway.

11 And people need to understand the  
12 clarity of -- of where we're headed, the  
13 opportunity, and then the ability then for the  
14 market to respond in a thoughtful way that ends up  
15 with a sustainable market. So, I think the  
16 recommendation, certainly around the reallocation  
17 of funds, but also moving forward having sufficient  
18 runway and vision to make sure that the market can  
19 respond, and has that clarity so it can become  
20 self-sustaining is going to be really critical.

21 The other thing that you  
22 mentioned, and I think is important to -- is to  
23 reflect upon the fact that we have two other  
24 players in the State; that NYPA and LIPA were  
25 involved in this.

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2 And really, the whole point here  
3 is getting to scale. So, I would look forward to  
4 hearing from NYSERDA, and how they're going to  
5 corporate with these other players, and how we  
6 could basically get to this scale faster and  
7 better.

8 I think the recommendation both  
9 in terms of the reallocation, but also in terms of  
10 reformulating how the program is administered so  
11 that we can provide that clarity of vision, and  
12 enough scope and scale to truly animate the markets  
13 is a great idea.

14 And look forward to hearing from  
15 my fellow commissioners as we move this forward.

16 So thank you. And with that  
17 Commissioner Burman, because you've been so  
18 patient, we'll lead with you.

19 COMMISSIONER BURMAN: Thank you.  
20 Thank you for allowing me to speak on all three  
21 items. We've known each other for -- or worked  
22 together for about six months now. Don't take it  
23 literally, but it seems like a lifetime.

24 CHAIR ZIBELMAN: It feels like a  
25 lifetime for my husband, too. It's only been eight

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2 years, so --.

3 COMMISSIONER BURMAN: And when I  
4 first heard you speak I thought wow there's a lot  
5 of big visionary words that she's speaking. I had  
6 to look up some of them in the dictionary, and for  
7 me I was skeptical.

8 I was very concerned that the  
9 vision did not have actual delivery base. I was  
10 looking for the end result without realizing that  
11 you were speaking about the need for everyone to be  
12 a part of the solution.

13 I don't -- I think I'm saying  
14 this first time publicly, I refer to you as the A  
15 to Z woman because you think of everything just  
16 like your initials, making sure that it's all  
17 inclusive, and it is A to Z, soup to nuts.

18 And the reason that for me, I am  
19 very honored to be here is because this today, I  
20 think, marks the passion that we can achieve -- we  
21 have, and we could achieve together.

22 And, so, over this past six  
23 months I have struggled and I know staff has  
24 struggled with my asking a lot of questions and  
25 trying to find out, is there really something to

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2 those big visionary words. And, I believe strongly  
3 that there are. I don't think anything that you're  
4 saying is controversial or earth-shattering. But I  
5 think that it is what is sorely needed in New York,  
6 and we're really lucky to have you.

7 We are really at a critical  
8 crossroads, and I do think that what we do here  
9 today will not determine where we as a Commission  
10 or State can go. I'm going to repeat myself, I do  
11 not believe that what we do here today will  
12 determine where we as a Commission or State can go.

13 This is merely the starting  
14 point. What's going to determine where we as a  
15 State can go, is all of us listening to those words  
16 and reading those three orders, and figuring out  
17 how are we going to be a part of the solution, how  
18 are we going to be helping to build the future that  
19 we've talked about for so long. And what are the  
20 deliverables? Well, we all need to be a part of  
21 it. We all need to voice our opinions, the strong  
22 ones, the negative ones, the positive ones. And we  
23 need to make sure that the end goal is there and  
24 that we help to achieve it. To get to where we  
25 need to be, for me, is hard work on all of our

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2 parts and collectively we can get there.

3 But I believe we must get there,  
4 and the only way we can get there is if we buy into  
5 it, and we really do take to heart the vision and  
6 the passion that is -- that you've spoken about,  
7 that's in the orders that I am very supportive of.

8 To me, a successful change effort  
9 is not optional. We must be on-board or we must  
10 get out of the way. And this new system is  
11 ultimately going to have to stand on its feet. I  
12 think what strikes me is that we are in a  
13 transition period, and one of the things that --  
14 that I feel on a personal level, is that -- and I  
15 bring it back to my childhood.

16 I was in a wheelchair for several  
17 years, and after the two years when they told me  
18 that I could now walk, the Doctor had me stand up,  
19 and I fell flat on my face, and he kept having me  
20 stand up, and I kept falling flat on my face.

21 And the nurse came over, and said  
22 you need to help her learn how to walk. She's not  
23 going to be able to do it this way. We're going to  
24 be here all day and he left the room. He chose not  
25 be a part of the change effort.

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2 And for me, what scared me when I  
3 first heard your words, was I was afraid it was  
4 just going to be that falling flat on our face.

5 And I'm just really happy that  
6 your words, and you're going to be -- and are going  
7 to be actionable. The transition away from  
8 customer-funded subsidies is something that people  
9 have talked about, and we're now actually saying  
10 this is a goal that we have and we're going to.

11 We're not getting away from our  
12 clean energy goals, they're still there. We're  
13 not -- we're not throwing away all of the programs.  
14 We're looking at those existing programs, and where  
15 necessary, we're continuing them. And, we're  
16 making sure that we make the necessary changes.

17 In the EEPS order, there's a lot  
18 of changes; some small, some major. But they're  
19 not dismantling things. They're trying to make it  
20 better. They're trying to say that there are  
21 barriers, we bend those barriers, and we're now  
22 going to change the way we do business.

23 The R.P.S., there's opportunities  
24 there in the future looking at how we do this on a  
25 Statewide basis. Looking at potentially the

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2 construction of large solar energy projects.

3 The Green Bank is something that  
4 is taking uncommitted money. It is not looking to  
5 take new money right now. And it is, also, saying  
6 the end goal is for us to make sure that we partner  
7 collaboratively with everyone, to try to get where  
8 we said, which is to acknowledge the rate pressure,  
9 and to have really strong system resiliency. New  
10 technologies, we need to be a part of it. And I  
11 just feel very blessed and honored to work with  
12 you, but to also work with all of the  
13 Commissioners.

14 Yesterday, I spent time talking  
15 to Commissioner Brown, and his insights and  
16 thoughts and making me see the big picture was just  
17 inspiring to me.

18 And staff -- Tony's got more  
19 beard and hair that -- since the last time I saw  
20 you. The staff has been willing to step up and  
21 showcase their talent. And I look forward to what  
22 we can do.

23 So today is the start and it's on  
24 us to make sure that we do what we need to do.

25 So I'm all in.

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2 CHAIR ZIBELMAN: Thank you. Wow.  
3 That is incredibly elegant and  
4 appreciative.

5 Commissioner Sayre, do you want  
6 to follow?

7 COMMISSIONER SAYRE: I'll try.

8 But not as -- not as well, or as  
9 articulately. I -- I think this particular item  
10 hangs together excellently with the other items  
11 that we're looking at today.

12 This is a major example of where  
13 technology is picking up and shaking the industry.  
14 Solar's getting closer and closer to cost parity  
15 with conventional generation. But it needs a few  
16 things to -- to get the job done, and bring it  
17 fully into the mainstream.

18 The first is to maintain some  
19 residual subsidies, which this order does; that  
20 decline over time, which this order does; with the  
21 hope of getting rid of them when the industry can  
22 stand on its own.

23 The second thing that the  
24 industry needs is support in the financial markets  
25 for the cost of installation, and Green Bank helps

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2 address those issues.

3 The third thing that the industry  
4 needs is a predictable regulatory structure for  
5 interconnection of customer-sided solar resources  
6 to network to the grid. And the larger proceeding  
7 that we're instituting will include those matters  
8 too.

9 So these three orders really need  
10 to be taken as an integrated whole. I support them  
11 all.

12 CHAIR ZIBELMAN: Thank you.  
13 Commissioner Acampora?

14 COMMISSIONER ACAMPORA: Well,  
15 there's really not much more to say. As Tina had  
16 said, this is another piece of the pie. And it's  
17 always nice to look at a pie before its cut.

18 So I'd -- I'd like to see this  
19 piece fit in there also, with what we discussed  
20 today, which is really forward moving. And I  
21 really do look forward to seeing LIPA and NYPA  
22 integrated into this program because I think for  
23 the benefit to have a statewide program will --  
24 will just work much better.

25 So as Commissioner Burman said,

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2 I'm all in.

3 CHAIR ZIBELMAN: Commissioner

4 Brown?

5 COMMISSIONER BROWN: I'll start  
6 by thanking Commissioner Burman for the kind words.

7 While everybody else has been at  
8 fifty thousand feet, I think I'll drop to about  
9 ten.

10 Just -- it has been a continuing  
11 effort from the beginning to try to keep the solar  
12 industry moving without boom and bust cycles. I  
13 remember when we used to have a fixed price, where  
14 occasionally we would go through the month's money  
15 in about a day and a half.

16 CHAIR ZIBELMAN: Uh-huh.

17 COMMISSIONER BROWN: And the  
18 solar industry would not be able to make a sale for  
19 the rest of the month because there wasn't any  
20 money appearing until the next month.

21 We then went into a way of  
22 adjusting those prices to try to avoid that. This  
23 block approach, I think, is the next step of taking  
24 a -- what Commissioner Burman was talking about,  
25 taking an informative glide path for the industry.

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2 Showing exactly what's going to  
3 happen over the next time period. We can't define  
4 the time period exactly yet, there's too many  
5 variable factors that come into play.

6 But if we can really maintain  
7 that these solar installers and sales people are  
8 out there, and for the next -- and I'm hopeful that  
9 one of the things we didn't really talk a lot  
10 about, is that we can take this program beyond 2015  
11 to -- so that there's a long-term path for the  
12 industry to operate in New York.

13 The rules are clear, the blocks  
14 are clear, and so that we can really get this on a  
15 continual basis where, again, we don't have to  
16 constantly be making adjustments to the system to  
17 make it work.

18 So I'm -- I'm excited about this  
19 proposal. It'll be interesting to see how the  
20 blocks move, and how fast they -- they get used up,  
21 et cetera. But it's very much self-correcting, and  
22 hopefully we can get out of the business of  
23 constant adjustments, and let the -- let the  
24 process work itself.

25 So, in achieving the 2003 goal,

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2 this is one of the -- the pieces of it that really  
3 needs to work right. And I think we're taking a  
4 good step towards that today. So, thank you for  
5 the hard work, and NYSERDA, and everybody else  
6 that's been involved. And again, all the  
7 commenters.

8 I think we all read, what is it  
9 that the commenters had to say? And give you a  
10 little insight on -- on some why we ended up where  
11 we ended up.

12 CHAIR ZIBELMAN: Uh-huh. Thank  
13 you.

14 COMMISSIONER BROWN: Thank you.

15 CHAIR ZIBELMAN: Thank you. Now,  
16 I've just had a few moments to compose myself.

17 First of all, Commissioner  
18 Burman, thank you very much for your comments.  
19 It's -- it has been six months, and I still every  
20 day wake up, and say how did I get so darn lucky.

21 So, it's an incredible place to  
22 be with an incredible group of people. I am also  
23 all in.

24 But, you know, I think it's  
25 really -- really important to reflect upon what

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2 Commissioner Burman just said. It starts with the  
3 leadership. I think we have great leadership  
4 starting with the Governor, in terms of recognizing  
5 the importance of energy, particularly clean energy  
6 as part of New York's economic future.

7 And that it is the linkage that  
8 allows us to create a strong economy for the 21st  
9 Century. And we're not just -- it's not just a  
10 good thing, but we're really obligated in the  
11 interest of the public to get it done and get it  
12 done right.

13 But saying that is -- it's easy  
14 to talk about a vision, it's really in the  
15 execution. And, that is a lot of what we're  
16 starting in 2014. It is going to be a marathon,  
17 it's not a race. We do need to think about what  
18 are the near-term changes we can make, and what are  
19 the longer-term changes we want to make, and what's  
20 the path to getting there that provides the best  
21 assurance and least amount of disruption, but the  
22 greatest amount of value.

23 To do that it does take more than  
24 a village. It really takes the community, and that  
25 is not just certainly the Commissioners who -- and

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2    their leadership, the staff, the -- our sister  
3    agency, and NYSERDA, as well as, NYPA, and LIPA who  
4    are also authorities of the State, the Governor's  
5    office, and then the stakeholders who we work with.

6                                   And that ecosystem as I think is  
7    clear to everyone is not limited now any more to  
8    utilities or public advocates. It includes the  
9    technologists, the folks who are the vendors, the  
10   other players in the markets, the aggregators, the  
11   ESCO's, and we all need to sort of get on board,  
12   think about what's possible, and now starting  
13   working to execute on it to really the benefit of  
14   consumers.

15                                  So I'm looking forward to it. I  
16    think it's an incredible opportunity for New York  
17    to, again, show its leadership. And with that, I  
18    would ask for this third, and not last, part of our  
19    trilogy today, all those in favor of the  
20    recommendation to authorize NYSERDA to reallocate  
21    one hundred and eight million of the main tier  
22    funds to the customer side of tier to fund the  
23    solar P.V. programs for 2014 and '15. And,  
24    authorizing NYSERDA to redesign the programs to  
25    provide a transparent strategy to eliminate direct

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2 incentives for these programs as described by Ms.  
3 Palmero. Please say by -- note by saying aye.

4 THE COMMISSIONERS: Aye.

5 CHAIR ZIBELMAN: Hearing no  
6 opposition, and there being no opposition the  
7 recommendation is adopted.

8 Thank you. Paul? I'm sorry,  
9 Chad.

10 COMMISSIONER BROWN: We -- we  
11 knew you were talking about the last of the clean  
12 energy parts --

13 CHAIR ZIBELMAN: Right.

14 COMMISSIONER BROWN: -- right?

15 CHAIR ZIBELMAN: Right. They're  
16 of the trilogy.

17 COMMISSIONER BROWN: Trilogy.  
18 Right.

19 CHAIR ZIBELMAN: The trilogy,  
20 yes. Not the old news or any of that. We have now  
21 item 501, which isn't actually an item for  
22 discussion, and it's related to the proceeding to  
23 examine issues related to universal service fund,  
24 and it's in terms of telecom.

25 So Chad Hume, Director of the

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2 Office of Telecommunications, would you describe  
3 where we are on that?

4 MR. HUME: Thank you. Good  
5 morning, Chair Zibelman and Commissioners.

6 Item 501 is a report to the  
7 Commission updating the Commission on the status of  
8 F.C.C. proceedings on reforming originating access  
9 charges, and recommending next steps in case number  
10 090 -- or, I'm sorry, 09-M-0527, the State  
11 universal service fund proceeding.

12 The Commission's order on June  
13 13th, 2013 in this case, directed staff to report  
14 to the Commission on the status of F.C.C.  
15 consideration of switch access charge issues.

16 Briefly, access charges are paid  
17 by long-distance carriers to local telephone  
18 companies that are either originating call to the  
19 calling party, or terminating the call to the  
20 called party.

21 In November 2011, the F.C.C. did  
22 take sweeping action to reform access charges on a  
23 national level, including intra-state access  
24 charges. Through this action, the F.C.C. addressed  
25 only terminating access charges, and did not make

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2 any changes to originating access charges.

3 Since the F.C.C.'s action on  
4 terminating access charges, New York telephone  
5 companies have reduced terminating access charges  
6 in compliance with the F.C.C.'s actions. In its  
7 2011 order addressing terminating access charges,  
8 the F.C.C. did issue a further notice of proposed  
9 rulemaking seeking comment whether similar action  
10 should be taken with respect to originating access  
11 as they had done with terminating access.

12 In the Public Service  
13 Commission's June 2013 order, it was decided that  
14 if the F.C.C. takes no action on originating  
15 access, that the Commission will establish  
16 procedures in this case to reform originating  
17 access charges in New York so that reform can begin  
18 on or shortly after July 1st, 2014.

19 The item before you today does  
20 report that the F.C.C. has not taken any further  
21 action towards addressing the reform of originating  
22 access, and staff does not expect any action on  
23 this matter soon.

24 Therefore, consistent with the  
25 Commission's directive in this case, the staff is



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2 disbursements, and the projection of the potential  
3 impact of the phase out of originating access, the  
4 impact appears to be minimal, and well within the  
5 capacity of the State Universal Service Fund as  
6 currently constituted.

7 The memo notes that Verizon and  
8 Frontier are not eligible to receive disbursements  
9 from the State Universal Service Fund. But, they  
10 will experience revenue shortfalls from further  
11 access charge reductions. The report finds that  
12 the revenue impacts are relatively small, and can  
13 be absorbed by these carriers. And, it concludes  
14 that the benefits to the State from access charge  
15 reform outweigh the negative consequences for these  
16 carriers.

17 The specifics of the impacts on  
18 these carriers are confidential, and will be  
19 redacted from the public version of this report.

20 The item before you today is only  
21 for information purposes, and no Commission action  
22 is required. We expect to be back before you in  
23 January with an order to show cause.

24 The report will be made public,  
25 and posted on the website under case 09-M-0527.

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2 I'd be glad to take any  
3 questions, and Lizzy Liebschutz is also available  
4 for any questions on this case.

5 CHAIR ZIBELMAN: All right.

6 Thank you, Chad. Are there any questions for Chad  
7 today? Okay.

8 So we'll be expecting to see you  
9 back in January.

10 MR. HUME: Correct.

11 CHAIR ZIBELMAN: All right.

12 Well, thank you.

13 With respect -- now, we'll move  
14 on to the consent agenda. First, let me ask if  
15 there are, any items that Commissioners want to  
16 recuse themselves from on the consent agenda.

17 COMMISSIONER SAYRE: Yes, I'm --

18 COMMISSIONER BROWN: Go ahead,  
19 Gregg.

20 COMMISSIONER SAYRE: -- I'm  
21 recusing myself on item 562.

22 CHAIR ZIBELMAN: Okay.

23 COMMISSIONER BROWN: And I will  
24 be recusing myself from item 367.

25 CHAIR ZIBELMAN: Thank you. Are

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2 there any comments on any other aspects of the  
3 consent agenda before we move to a vote?

4 COMMISSIONER BURMAN: I have a  
5 couple.

6 CHAIR ZIBELMAN: Okay.  
7 Commissioner Burman?

8 COMMISSIONER BURMAN: Just --  
9 just a few. On item 261, I think this question is  
10 to Peter McGowan. Could you just touch upon this  
11 item in terms of, does this meet our statutory  
12 obligations and is that all we're doing?

13 MR. MCGOWAN: Yes. This is a  
14 compliance item that flows from a statutory  
15 requirement in SAPA for us to review certain rules  
16 past a certain period of time that were enacted on  
17 five-year cycles and to determine whether they are  
18 still relevant.

19 So that does it. But I would  
20 note that that statutory exercise is not the full  
21 extent of our efforts to review our regulatory  
22 regime, and bring forth appropriate streamlines,  
23 streamlining efforts as appropriate.

24 So this is one, but not the full  
25 extent of our review efforts.

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2 COMMISSIONER BURMAN: Okay.

3 Great. Because I do look forward to it. I know  
4 that we have in other items since I've been here,  
5 looked at ways to, you know, to lessen the  
6 regulatory burden.

7 So while this did not look at all  
8 of them because it was limited, it is important for  
9 us to keep in mind that to the extent that there  
10 are regulations that are not necessary or actually  
11 burdening, that we should -- we should focus on  
12 those. So thank you.

13 And then I have another question  
14 on 367. This is for Libby. Could you explain to  
15 me the status of the items on -- that involves  
16 the --.

17 MS. LIEBSCHUTZ: Yes, actually,  
18 as we speak in the third floor hearing room  
19 downstairs is occupied by A.L.J. Eleanor Stein, and  
20 the parties to these proceedings of the Rochester  
21 area and reliability on the seven K's. So that  
22 effort is moving forward in parallel to the item  
23 that you have before you today is related to the  
24 environmental management and construction plan for  
25 portions of the line that are not in controversy,

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2 that do not involve pending petitions for the  
3 hearing.

4 The item today allows some of  
5 that work to go forward. Meanwhile, the Commission  
6 has reopened a limited portion of the record to  
7 re-examine the location of station 255, and that  
8 effort is proceeding on pace.

9 Today they are -- the parties are  
10 meeting -- it is a procedural conference to set  
11 milestones. And -- and deadlines for creating that  
12 reopened record to look more closely at alternative  
13 locations for station 255.

14 The Commission's order has  
15 required RG&E to come forward with an updated  
16 analysis of certain alternatives. And that update  
17 is due January 15th, I believe. I may be off a day  
18 or two, but of 2014. RG&E filed earlier this week.  
19 Its not -- its updated analysis of the need date to  
20 have the project in place.

21 And I think some of the time at  
22 the conference today is being devoted to other  
23 party questions, including staff questions, and the  
24 Judge's questions on that updated need assessment.

25 COMMISSIONER BURMAN: Okay.

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2 Thank you very much. And as you know, I'm -- I'm  
3 very focused on this issue and hope for a positive  
4 resolution.

5 Can you tell me why we would be  
6 doing this separate piece rather than waiting for  
7 the whole thing to be resolved?

8 MS. LIEBSCHUTZ: Well, I  
9 certainly -- Tina may want to supplement what I  
10 say. But I think it's actually fairly common in  
11 our Article 7 cases for companies to file their --  
12 their environmental management construction plan  
13 EM&CP in segments. The analysis required for the  
14 EM&CP is very detailed. It can be very time  
15 consuming.

16 And, so, typically what they do  
17 is do that detailed analysis. And when they have a  
18 meaningful segment that makes sense to begin  
19 construction on, they file the EM&CP, get approval  
20 for that. And, then, they can proceed basically on  
21 a rolling basis to continue to file segments of an  
22 EM&CP, so that we're considering the EM&CP on the  
23 second or third segment, while at the same time  
24 construction can begin on the first segment.

25 So that's what's happening here.

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2 The Rochester reliability project is fairly  
3 extensive, and this item today allows RG&E to go  
4 forward, to begin the construction work on other  
5 parts of the project that are not controversial,  
6 and have not been challenged.

7 The goal, of course, being to  
8 have the entire project in place as quickly as  
9 possible to meet the reliability needs of the  
10 Rochester area.

11 COMMISSIONER BURMAN: So by not  
12 acting today on that piece, we'd be putting at risk  
13 potentially the reliability?

14 MS. LIEBSCHUTZ: Yes.

15 COMMISSIONER BURMAN: Okay. So  
16 it is necessary to do this piece, and also just to  
17 keep on track, and thank you for the update on the  
18 status of 255.

19 So I think that that really shows  
20 the necessity today, but also that we haven't lost  
21 sight of what we have done in past sessions on the  
22 other -- the other portion of it, which is just as  
23 important. Okay.

24 Thank you. That's all the  
25 comments I have.

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2 CHAIR ZIBELMAN: Okay. Any other  
3 comments on any -- on the consent agenda? I  
4 just -- one item I know that is on the consent  
5 agenda is item 167, which relates to the closing of  
6 the call center in Long Island. With regard to  
7 that, I am expecting, of course, that National  
8 is -- that National Grid will exercise effectively  
9 good business practices, and make sure as it's  
10 closing its call center that the transition is well  
11 known to both its employees, as well as, the public  
12 at large. And, I'm assuming that's just going to  
13 take place as of course, is that correct? I mean,  
14 as far as we know, they would just do that, right?  
15 Yes? Okay. Hearing, yes?

16 MR. MCGOWAN: Yes.

17 CHAIR ZIBELMAN: Yes. Thank you.

18 COMMISSIONER BURMAN: And for the  
19 point, Chair, I just wanted to state, I believe  
20 that National Grid has been cognizant of the fact  
21 that they work with this transition, and to that  
22 extent, they are moving the call center because  
23 they have to move out to Melville during the  
24 transition. So it still will be for a short period  
25 in -- on Long Island, and while it transitions to

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2 its next location.

3 MR. MCGOWAN: Correct.

4 CHAIR ZIBELMAN: Okay. Correct.

5 Thank you. With that, all those in favor of the  
6 recommendations on the consent agenda, please  
7 indicate by saying aye.

8 COMMISSIONERS: Aye.

9 CHAIR ZIBELMAN: Hearing no  
10 opposition, the recommendations are adopted.

11 Secretary Burgess, are there any  
12 other items that we need to address today?

13 MS. BURGESS: There are no other  
14 items for today, and the next Commission meeting is  
15 on January 16th at ten thirty a.m.

16 CHAIR ZIBELMAN: Right. Thank  
17 you, everybody. And I wish, again, everyone has a  
18 safe and happy holidays, and we'll see you next  
19 year.

20 (The proceeding adjourned)

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STATE OF NEW YORK  
I, Kirsten Lemire, do hereby certify that the foregoing  
was reported by me, in the cause, at the time and place,  
as stated in the caption hereto, at Page 1 hereof; that  
the foregoing typewritten transcription consisting of  
pages 1 through 75, is a true record of all proceedings  
had at the hearing.

IN WITNESS WHEREOF, I have hereunto  
subscribed my name, this the 26th day of December, 2013.

Kirsten Lemire, Reporter

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