

Monthly meeting - 7-13-2017 - Albany, New York

STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION

MEETING OF THE PUBLIC SERVICE COMMISSION

Thursday, July 13, 2017  
10:30 a.m.

Three Empire State Plaza  
Agency Building 3, 19th Floor

Albany, New York

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

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2 (On the record 10:30 a.m.)

3 CHAIRMAN RHODES: Good morning everybody.

4 Now I'm on. Before we get started let me just do a little  
5 bit of ceremony. I'd like to introduce myself. I'm John  
6 Rhodes. This is my first session with the Commission and  
7 as chair of the Commission and I'm very, very pleased to  
8 be here joining -- joining this body and especially  
9 joining the important work that we do. So thank you. And  
10 I'd also like to welcome Commissioner Alesi who is also  
11 participating in his first session.

12 COMMISSIONER ALESI: Thank you very much.  
13 Looking for my seatbelt.

14 CHAIRMAN RHODES: All right. So with that  
15 I call this session of the Public Service Commission to  
16 order. Secretary Burgess, are there any changes to the  
17 final agenda?

18 SECRETARY BURGESS: Good morning Chair and  
19 Commissioners. There's one change to the agenda this  
20 morning. There's one addition. Item 377 which is Case  
21 16-E-0376, the Notice of Intent to use a Silver Springs  
22 network socket access point in the AMI field network at  
23 Con Ed and Orange and Rockland, Inc. That item is being  
24 added to the consent agenda.

25 CHAIRMAN RHODES: Thank you, Secretary

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2           Burgess. So let's proceed to the regular discussion  
3           agenda. The first item for discussion is Item 301 Case  
4           14-E-0302 which is the Petition for extension of time to  
5           implement the Brooklyn Queens Demand Management Program  
6           presented by Marco Padula, deputy director for market  
7           structure. Marco will you please begin?

8                       MR. PADULA: Yes. Good morning Chair  
9           Rhodes and Commissioners. Item 301 is a draft order  
10          addressing the filing by Consolidated Edison Company of  
11          New York seeking approval to extend its Brooklyn Queens  
12          Demand Management Program or referred to as the BQDM  
13          program. The BQDM program allows Con Edison to procure  
14          market based distributed energy resources, solutions such  
15          as energy efficiency, energy storage, distributed  
16          generation or demand response to achieve load reductions  
17          on the subtransmission feeders supplying the company's  
18          Brownsville Number One and Number Two substations.

19                       In its petition filed on January 19th of  
20          this year Con Edison requests to continue the BQDM program  
21          beyond the original three-year scope previously authorized  
22          by the Commission. The company's request is supported by  
23          its performance to date which has put it on track to  
24          achieve the necessary 52 megawatts of peak load reduction  
25          by summer 2018 at a lower unit cost than originally

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2   forecasted thereby enabling additional DER acquisition all  
3   within the funding level previously approved by the  
4   Commission.

5           Con Edison first requested authorization to  
6   begin the BQDM program in 2014 to alleviate a 52 megawatt  
7   overload condition on the subtransmission feeder serving  
8   the Brownsville Number One and Two area that was expected  
9   to occur in 2018. The Brownsville Number One and Two area  
10   substation serve parts of southwest Queens and northern  
11   Brooklyn in the Ridgewood, Crown Heights and Richmond Hill  
12   distribution networks.

13           In the absence of the BQDM program to meet  
14   the anticipated load growth in that area, Con Edison would  
15   have to construct a new distribution substation, a new  
16   switching station and substation feeders between the two.  
17   This major project collectively is referred to as the new  
18   substation slash Gowanus expansion which was projected to  
19   cost approximately one billion dollars.

20           Instead the Commission authorized Con  
21   Edison to implement the BQDM program in its December 12th,  
22   2014 order which established a 200 million dollar budget  
23   for the company to acquire 41 megawatts of customer-side  
24   distributed energy resources and load reduction solutions  
25   and eleven megawatts of nontraditional utility side

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2 solutions all of which to be in service by summer of 2018.

3 The BQDM program has provided Con Edison  
4 with the flexibility to continually consider options to  
5 further defer the need for the new substation slash  
6 Gowanus expansion. With the flexibility provided by the  
7 program, Con Edison plans to undertake several  
8 infrastructure projects to be in place for the summer of  
9 2019 in order to further delay the need for the new  
10 substation Gowanus expansion to 2026. Specifically, the  
11 additional solutions include installation of capacitor  
12 banks, transformers and a 60 megawatt load transfer to the  
13 Glendale network referred to as the Glendale Project.

14 With the BQDM program extension, if granted  
15 by the Commission, the company will have the opportunity  
16 to procure more distributed energy resources that will  
17 allow it to continue to delay the new substation and defer  
18 the need for the Glendale project and also enable possible  
19 future deferral or other traditional infrastructure  
20 projects.

21 The draft order before you authorizes Con  
22 Edison to continue the program for the benefit of  
23 customers beyond the original three year term subject to  
24 the original 200 million dollar budget and the existing  
25 shareholder incentive provisions. In addition, to

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2           maintain transparent operation of the program the draft  
3           order requires Con Edison to submit an updated  
4           implementation and outreach plan within sixty days  
5           specifying how it plans to achieve deferral of both the  
6           new substation and the Glendale project and reflecting any  
7           other decisions being made by the order.

8                         Lastly, the draft order directs the Company  
9           to continue quarterly progress reports and semi-annual  
10          benefit cost analysis reporting throughout the extended  
11          BQDM program. That concludes my presentation. I'm -- I'm  
12          available for any questions that you may have.

13                        CHAIRMAN RHODES: Thank you, Marco. This  
14          order I think recognizes the successful concept design as  
15          a BQDM program as one that avoids costly traditional  
16          utility infrastructure upgrades and animates the  
17          distributed energy resource market in the Brooklyn Queens  
18          area. This order also recognizes the successful  
19          performance of the BQDM program to date in terms of Con Ed  
20          successfully meeting its implementation checkpoints on  
21          time and under budget.

22                        And these successes put Con Ed in a  
23          position to continue to obtain valuable, innovative  
24          customer-side solutions beyond the original summer of 2018  
25          BQDM program expiration date which will -- continuing this

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2 will allow the company to continue to defer the new  
3 substation and to enable possible future deferral of other  
4 traditional infrastructure projects. The BQDM program is  
5 also provided for important learning opportunities for  
6 other utilities, for stakeholders and for the Commission  
7 as non-wire alternatives have become part of New York  
8 State's utility standard business practices. What was --  
9 what was new is now becoming normal.

10                   Extending the time frame for this BQDM  
11 program while holding to the original 200 million dollar  
12 budget allows for a wider scope of customer benefits,  
13 further improving the cost effectiveness of the BQDM  
14 program. I applaud the work that has gotten us to -- to  
15 this position. Are there any other comments or questions  
16 from my fellow commissioners?

17                   Commissioner Sayre.

18                   COMMISSIONER SAYRE: This is very much a  
19 good news item. BQDM was a groundbreaking program by Con  
20 Ed to save money for rate payers while making necessary  
21 network upgrades. The program is working and like the  
22 Chair I'm delighted to approve its extension. As the  
23 Chairman said, we are seeing more of these from other  
24 utilities looking for similar non-wire alternatives and  
25 we're even starting to see some non-pipes alternatives on

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2 the gas side.

3 We make sure that each program that's  
4 brought to us provides a benefit to rate payers compared to  
5 the traditional network investment, so we end up with a  
6 benefit to rate payers, to the company and to the  
7 environment, and I hope to see many more of these in the  
8 future.

9 CHAIRMAN RHODES: Thank you, Commissioner  
10 Sayre. Other comments or questions? Commissioner Burman.

11 COMMISSIONER BURMAN: Thank you. First,  
12 welcome to the Commission. We appreciate that you're  
13 here. I have a couple of sort of questions and some  
14 thoughts. First I think that from my perspective I went  
15 through the record going back to the original petition in  
16 July that was submitted July 15th, 2014. And the original  
17 petition at that time sought approval of the BQDM program  
18 to seek nontraditional both customer side and utility side  
19 electricity demand reduction solutions to postpone or  
20 defer traditional forecasted needed for distribution  
21 system improvements.

22 And the BQDM program was focused on  
23 nontraditional, again, customer-sided solutions as well as  
24 utility-sided solutions plus other limited sets of  
25 traditional utility-side solutions. The Glendale project

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2           is one that comes to mind. Originally, Con Ed sought  
3           action by September 2014. There was a recognition that  
4           reliability was paramount and needing to act swiftly to  
5           get in place the program and understanding that they were  
6           working through this new hybrid solutions.

7           The Commission did act in December of 2014  
8           so it acted three months after and worked through the  
9           different challenges and processes because it was new not  
10          only to the company and the staff but to those who might  
11          participate. But what wasn't new was that Con Ed has had  
12          a robust experience with demand-side management. And so  
13          this -- really this program was taking that and expanding  
14          upon that experience.

15          So when I look to it from my perspective  
16          it's focused on where are we, where do we need to be and  
17          how do we get there. How do we take and build upon each  
18          of the different experiences that we've had? So Con Ed  
19          really at that time was the perfect utility to look at  
20          this program and to focus on how we can improve upon that.  
21          And from that there have been several different learnings  
22          that have happened.

23          Now from the very beginning of the program  
24          the focus was on reliability, customer engagement and  
25          looking at the costs and trying to get to better ways of

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2           doing things in a way that was cost effective. And so the  
3           alternatives were to complement what was being done both  
4           on the traditional side and the nontraditional side. We  
5           were to test new models. We were to look at and Con Ed  
6           was to look at and evaluate, measure and verify their  
7           programs.

8                         Since that time there has been -- there  
9           have been nine -- I believe nine quarterly reports. Is  
10          that correct, Marco there's been nine? Think there's been  
11          nine reports that have been submitted addressing this.  
12          And each time in looking at the reports we see some  
13          significant reflection, some significant areas that we  
14          need to look at and maybe make some refinements.

15                        I do see in the last quarterly report,  
16          especially that one of the -- and it's been throughout,  
17          but one of the main areas of focus has been on the New  
18          York City Housing Authority buildings. And that's a  
19          significant building stock in Con Ed's territory. It's a  
20          significant area for energy efficiency improvements and  
21          it's significant in looking at what we can do in our  
22          energy portfolio.

23                        There has been a need to work  
24          collaboratively and understand the dynamics working with  
25          NYCHA that includes working with the city, it includes

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2     working with NYPA, includes working with Con Ed, the  
3     different providers and especially working with those who  
4     have experience in the energy services sector for the  
5     energy performance contracts that can be in place. There  
6     still needs to be a continued robust drill down on those  
7     areas and looking at how some of the challenges in working  
8     through them.

9           When -- when I focus on this in the  
10    petition that we now have before us it's to look to see  
11    what the need is to continue the program. Here Con Ed is  
12    seeking to extend the life of the program and to look at  
13    what we can do to further make refinements. So my focus  
14    really is on taking a step from a process perspective and  
15    making sure that we are purposefully moving forward on  
16    approving the petition today in a way that helps drive the  
17    original intent which was for reliability as well as  
18    looking at how we can increase our demand-side management  
19    opportunities.

20           So I think that what drives me to say that  
21    I'm in support of this is that the lessons that have been  
22    learned and that will continue to be learned seem to be  
23    helping facilitate better direction and better  
24    opportunities. And at the core it's focused on helping  
25    the customer.

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2 Now critical to this is that they -- Con Ed  
3 is not seeking more monies to do so. In fact, there's --  
4 they are looking at the original pool of 200 million. And  
5 that 200 million is going to be amortized over the ten  
6 year footprint. And out of that 200 million when we  
7 originally approved it back in December 2014, 25 million  
8 of those dollars were already there for such projects.

9 So now we look to where we are at and the  
10 decision whether or not to, for lack of a better word,  
11 pull the plug and say we're going to end the program is  
12 really a -- a pivotal decisional point. And my concern  
13 and fear is that by doing that we lose the value that we  
14 see BQDM is providing. It does not mean that there are  
15 not challenges. Does not mean that there can't be better  
16 processes that we can move forward on. However, it means  
17 that we need to have the flexibility for the opportunities  
18 to be there and the refinements that need to be there.

19 What I am particularly cognizant of is that  
20 in the process of the program there have been certain  
21 refinements. There have been refinements in the  
22 procurement opportunities. It originally started as  
23 looking at it from an RF -- RFI perspective. Then we  
24 looked at it in terms of developing other modeling and  
25 opportunities for engagement. I -- I think that with each

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2 procurement opportunity there was a adjustment period.  
3 There was a need to look at better ways to engage  
4 providers, third-party providers as well as the community  
5 itself and as well as the customers.

6           And we went from a procurement method with  
7 an RFI and then developing different models really to  
8 characterize the load reductions. And then we looked to -  
9 - Con Ed looked to the auction process for demand  
10 reduction over a two-year period. And what they saw with  
11 the auction is that there were a -- a significant number  
12 of folks who were looking to participate. There were a  
13 lot of bidders. But even with that there has been a need  
14 to look at better ways of the process.

15           And one of the things that I'm most  
16 cognizant of is that like with other procurement  
17 opportunities not just in this program but others, there's  
18 always the significant timing issues. The need to work  
19 with developers and others in helping them know about the  
20 opportunities ahead of time and have the opportunity to  
21 participate, but also the opportunity to get what they  
22 need to move forward on certain projects. So there may  
23 continue to be a need to look at further refinements that  
24 we can do that will drive more participants and drive more  
25 economic opportunities to that area.

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2 The -- the thing that most -- that is most  
3 important to me is ensuring reliability. And ensuring  
4 that we are not to -- putting at risk the reliability.  
5 And so when we look at this I see that that has been  
6 throughout the theme of all the reporting that has gone  
7 on, all the analysis and modeling that has been done.  
8 That has been most important to those who are looking at  
9 evaluating, measuring and verifying this and focused on  
10 it. And there is a strong need for that to continue and  
11 to look at making sure that if there is any significant  
12 issue in that that the refinements are made as soon as  
13 possible to ensure that the reliability continues to be  
14 stable and to increase.

15 I am focused very much on the idea that  
16 there has been some criticism of the transparency as it  
17 goes to BQDM I think that this is something that we need  
18 to understand. We can look to the fact that there have  
19 been nine reports as well as other -- other cost benefit  
20 analysis documents, Excel spreadsheets that have been  
21 posted but that we may need to look at other ways to make  
22 sure that we are being more engaging on the issues in a  
23 timely fashion.

24 What that means for me as a commissioner is  
25 that I do want to be briefed in a timely fashion as the

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2   report is being filed. And I want to have an engagement  
3   and feedback on some of the issues that I may see in the  
4   report that I need further clarification on. And I would  
5   like to also make sure that we are engaging with the  
6   stakeholders in a fashion that helps them be able to give  
7   some input into some of the issues that they may see so  
8   that we can have a better process.

9           From my perspective it is incumbent upon us  
10   to continue to look at this and to work on ways that we  
11   can have the lessons that are being learned here  
12   incorporated in other programs that we may see, as well as  
13   understanding that when we started this process or when  
14   Con Ed brought the petition to us in July of 2014 that the  
15   significant aspects of our energy world have changed  
16   dramatically from that first petition as well as several  
17   different orders and proceedings. And the need to make  
18   sure that we are fully articulating what some of those  
19   changes need to be to reflect how they fit within other  
20   proceedings.

21           So I would like to see the next quarterly  
22   report do a little more drilling down on how it intersects  
23   with other ongoing programs. They do mention them quite a  
24   bit, but to the extent that that is -- they are focused on  
25   again explaining in the different areas not only generally

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2   on DER but also on which programs are providing  
3   reliability primarily, which programs are providing some  
4   resiliency aspects and so that we can really clearly focus  
5   on what we're doing that leads to increasing and  
6   stabilizing reliability and resiliency of the system.

7           So with that I don't really have any  
8   questions per se but I do want to let folks know that I'm  
9   very comfortable with voting for this item. I'm very  
10   happy to see that the item does not seek to increase costs  
11   and that I think that it would be a mistake to stop the  
12   program at this point. And the flexibility and the  
13   certainty that needs to be there should continue and the  
14   continued analysis is important. And looking at further  
15   refinements that we can do to improve are greatly  
16   appreciated. So thank you.

17           CHAIRMAN RHODES: Thank you. Are there any  
18   other comments or questions from the commissioners?  
19   Seeing none I will now call for a vote. An aye vote will  
20   a vote in favor of the recommendation to approve the  
21   extension of the BQDM subject to the existing budget gap  
22   and shareholder incentive mechanism. The Chair votes aye.  
23   Commissioner Sayre, how do you vote?

24           COMMISSIONER SAYRE: Aye.

25           CHAIRMAN RHODES: Commissioner Burman, how

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2 do you vote?

3 COMMISSIONER BURMAN: Aye.

4 CHAIRMAN RHODES: Commissioner Alesi, how  
5 do you vote?

6 COMMISSIONER ALESI: Aye.

7 CHAIRMAN RHODES: The item is approved and  
8 the recommendations are adopted. Now proceed to the  
9 second item for discussion, Item 302 Case 17-E-0113 which  
10 is the Petition of Central Hudson Gas and Electric  
11 Corporation for approval of deferral and recovery of  
12 incremental costs. This will be presented by Mike Worden,  
13 director Office of Electric Gas and Water, Doris Stout,  
14 director office of accounting, audits and finance and  
15 Tammy Mitchell, deputy director for electric. I'm sorry,  
16 Doris and Tammy are available for questions. The  
17 presentation will be by Mike Worden. Mike, please begin.

18 MR. WORDEN: Thank you. Good morning Chair  
19 Rhodes and welcome. Good morning Commissioners and  
20 welcome Commissioner Alesi. In Item 302 Central Hudson is  
21 seeking recovery of costs that the company has incurred  
22 during its current rate plan related to the state's  
23 reforming the energy vision efforts.

24 Central Hudson's last rate order in 2015  
25 was in the beginning stages of the state's and the

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2           Commission's grid modernization proceedings that started  
3           development around that same time. Central Hudson rate's  
4           order specific -- specifically authorized them to petition  
5           for recovery of incremental costs resulting from  
6           Commission directives as the scope of the projects and  
7           magnitude of related costs were unknown at that time.

8                         After the Central Hudson rate plan was  
9           adopted by the Commission, the utilities were directed to  
10          among other things file initial distributed system  
11          implementation plans or DSIPs as you'll hear them referred  
12          to by us by June 30th of 2016. They were also required to  
13          file a joint supplemental DSIP plan by November 30th, 2016  
14          and as part of both of those plans they were required to  
15          work on plans to develop the distributed system platform  
16          for integrating DER into their system.

17                        Further the utilities were directed to  
18          develop interconnection portals to help facilitate DG  
19          interconnection. I know for commissioners that have been  
20          here I've reported on DG interconnection issues a number  
21          of times and this is one of the effort areas that we've  
22          been working on for at least a couple of years. The  
23          utilities were also directed by the Commission to develop  
24          hosting capacity analyses that are intended to identify  
25          more technically feasible locations on the distribution

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2           system where distributed generation projects could  
3           interconnect.

4           Central Hudson is in a somewhat unique  
5           position for these particular modernization efforts  
6           because of the timing of its rate case. We expect most  
7           similar costs to be recovered by other utilities to the  
8           extent appropriate in their current or future rate  
9           proceedings.

10           Before I go on, I want to point out that  
11           much if not all of the work that is represented in this  
12           order would have taken place through the natural process  
13           of grid modernization that had been ongoing prior to the  
14           REV proceeding. All of these efforts can be correlated to  
15           the increase in distributed resources that's not only  
16           being seen in New York State but nationally as well.  
17           Nonetheless, New York is the leader in moving forward to  
18           develop a twenty-first century grid.

19           We recommend that Central Hudson be allowed  
20           to recover the cost associated with this DSIP development  
21           and related work. This is work that was specifically  
22           asked for by the Commission and directed for the utilities  
23           to implement. Staff reviewed the appropriateness of these  
24           charges through two primary means. First, the companies  
25           were directed by the Commission to engage stakeholders

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2 throughout these efforts. Staff monitored these  
3 stakeholder processes closely so that staff has a direct  
4 familiarity with the work that was taking place.

5           And second, staff reviewed invoices  
6 associated with actual work by consultants that supported  
7 these efforts. You'll note that staff did make a small  
8 adjustment in the request -- the amount requested by  
9 Central Hudson in this particular petition as a result of  
10 that review. Costs should be allocated to all service  
11 classifications based on T and D revenues and recovered  
12 through a component of their monthly miscellaneous charge  
13 as opposed to the company's proposal to allocate based on  
14 energy because the costs incurred to date don't vary with  
15 energy.

16           Finally, regarding the interconnection  
17 portal and hosting capacity development, we recommend that  
18 you approve those projects subject to a final true up and  
19 recovery in the company's expected rate filing or in a  
20 subsequent petition once costs are finalized, whichever  
21 comes first. That completes my presentation and I'd be  
22 happy to answer any questions. Doris and Tammy are also  
23 available.

24           CHAIRMAN RHODES: Thank you, Mike. I -- I  
25 want to note that I appreciate the staff's work in

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2    reviewing the work that's been going on and also obviously  
3    in reviewing the costs. And I understand some of the  
4    distinctive circumstances of the timing associated with --  
5    with this request, the working relationship to the rate  
6    order.

7           I also want to note that I welcome the work  
8    that has been undertaken, performed at the company to  
9    modernize in really the most complete meaning of the word,  
10   their system. And I want to further note that I  
11   especially welcome the work on interconnection and on  
12   hosting capacity. These are two technical, deep in the  
13   machinery matters but they're also foundation and  
14   important and we need this kind of work. So thank you.  
15   Are there any comments or questions from my fellow  
16   commissioners?

17           COMMISSIONER SAYRE: I'd like to state from  
18   my perspective that I see this as a unique item not a  
19   precedent setting item. I'm voting in favor but that's  
20   because the prior Commission order that dealt with these  
21   costs contemplated this deferral and was reflected in  
22   Central Hudson's current rate plan. Going forward my view  
23   is that these kinds of network modernization costs are  
24   good and should be encouraged but they are business as  
25   usual. And from an accounting perspective I hope to see

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2 them treated as business as usual.

3 CHAIRMAN RHODES: Thank you, Commissioner  
4 Sayre. Are there any other further comments or  
5 questioners? Commissioner Burman.

6 COMMISSIONER BURMAN: Thank you. I'm going  
7 to be voting in favor of this item but I do want to give  
8 some reflective thoughts on going forward. This item  
9 really is, you know, I understand the need for Central  
10 Hudson to have regulatory certainty and clarity before  
11 they go the next step in some of their initiatives  
12 especially in the hosting capacity and the interconnection  
13 focus.

14 So because the original or the latest, the  
15 last Central Hudson rate order allowed a mechanism --  
16 expressly allowed a mechanism for them to come before us  
17 with this petition to seek such reimbursement not only for  
18 the costs that they've already incurred but for the future  
19 costs it's appropriate. However, what I am very focused  
20 on is that I do believe that it is challenging when they  
21 are via a Commission order or directives whether it's  
22 through a REV demo or others that don't come before the  
23 Commission that it is potentially cloudy in what it means,  
24 what is deemed reasonable and how they will be able to  
25 have cost recovery for the mandates that were set before

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2    them.

3                        So in past orders I have dissented or  
4    raised these as issues in my concern that we needed to  
5    better articulate and clearly define the costs that we  
6    were projecting and what the four corners of the -- the  
7    items would look like. Here I'm very cognizant of the  
8    fact that it is mostly seeking recovery for external labor  
9    costs and I don't want this to be seen as that there's a  
10   unending pot of money for external labor costs.

11                      In fact, we need to clearly identify the  
12   value added in those -- those opportunities. And that  
13   what I -- when we talk about grid modernization, grid  
14   modernization is very, very important. However, just  
15   talking and saying grid modernization and -- does not mean  
16   that you're going to be able to recover your costs. Here  
17   there was a deep dive drilldown by staff to ensure that  
18   the costs that were incurred were reasonable and were  
19   appropriate. I would like to see a breakdown in terms of  
20   a way that we can work through from a process perspective  
21   in, you know, the next several months.

22                      Further refinement on how we look at all of  
23   the different past orders not only for Central Hudson but  
24   for all of the utilities and understand that there is an -  
25   - a increasing cost that may be being deferred that we

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2    need to make sure that we have a handle on so that we're  
3    not surprised later or having disputes over the  
4    reasonableness of some of that, which is why I applaud  
5    Central Hudson for seeking such clarity.

6           Here they had the trigger. I don't think  
7    it's inappropriate for other utilities to also want some  
8    more clarity even if it's not the express wording that was  
9    in the -- in the rate case, in this case Central Hudson's.  
10   I also am cognizant that our future costs -- our future  
11   costs that may be recovered will not be able to be done so  
12   until after Commission review. And so that is important  
13   to me because I do think that we -- it's imperative that  
14   we look at way -- at ways of improving the process and  
15   looking to make sure that there's added value in what  
16   we're doing.

17           There is a mention in the order itself that  
18    these recovered costs should not be on the bill. There  
19    has been a particular concern about, you know, how  
20    customers are aware of the additional charges that may  
21    apply to them. And with billing it is always a  
22    significant issue on how much you put on the bill, how  
23    much you don't. I think for me the focus needs to be from  
24    a process perspective overall is are we clearly  
25    articulating in some fashion that makes sense to customers

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2           the specific charges and articulate that in a way that we  
3           don't get criticized as trying to hide things.

4                        So I don't have the answers and -- but I  
5           also am cognizant of the fact that it is something that we  
6           do need to take to heart that the criticism is there. And  
7           we do need to work through that because we do not want to  
8           have any folks feeling surprised or that they're being --  
9           that the charges are being hidden from them, as well as  
10          understanding that many times the charges are imposed are  
11          not necessarily, you know, from the utility directly. But  
12          we're -- rather from Commission directives that are  
13          focused on asking the utility to do so and they would get  
14          cost recovery.

15                      So from my perspective I would just like to  
16          ask that we look at better processes going forward across  
17          the board and clearly understand these costs are one  
18          aspect -- small aspect of all the different REV processes  
19          or grid modernization. But that to the extent that we are  
20          looking at it is imperative that we take a pause and  
21          figure out are there opportunities for process  
22          improvements. And, again, the focus for me is on the  
23          customer and the reliability and resiliency of the system.  
24          Thanks.

25                      CHAIRMAN RHODES: Thank you very much,

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2           Commissioner Burman. Are there any other questions or  
3           comments from my fellow commissioners? We will now  
4           proceed to a vote. I will call for the vote. Once again  
5           a vote of aye will be a vote in favor of the  
6           recommendation to approve the recovery of costs with  
7           modifications as discussed. The Chair votes aye.  
8           Commissioner Sayre?

9                         COMMISSIONER SAYRE: Aye.

10                        CHAIRMAN RHODES: Commissioner Burman?

11                        COMMISSIONER BURMAN: Aye.

12                        CHAIRMAN RHODES: Commissioner Alesi?

13                        COMMISSIONER ALESI: Aye.

14                        CHAIRMAN RHODES: The recommendation is  
15           adopted. We will now move to the consent agenda. I have  
16           --.

17                        MR. AGRESTA: Mr. Chairman, if I could be  
18           heard on one small matter?

19                        CHAIRMAN RHODES: Please. Paul Agresta,  
20           general counsel.

21                        MR. AGRESTA: In reviewing and sitting here  
22           I was looking at one of the items that's on a consent  
23           agenda and I identified the legal issue with the way it's  
24           drafted. And I would like your indulgence if you could  
25           put that over to the August session. The -- there is no

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2    timing issue regarding this and I don't think it's  
3    appropriate for us to discuss the legal issue I have in an  
4    open session. And -- so if we could possibly put Item 263  
5    over and we'll fix the problem in time for the August  
6    session.

7                   CHAIRMAN RHODES: Okay. So that was Paul  
8    Agresta, general counsel. Item 263 is 15-M-0566 in the  
9    matter of revisions to customer service indicators  
10   applicable -- applicable to gas and electric corporations.  
11   Thank you bringing this to our attention. With those  
12   facts I agree we should put this over to the August  
13   agenda.

14                   MR. AGRESTA: Okay. Thank you.

15                   CHAIRMAN RHODES: Commissioner Burman?

16                   COMMISSIONER BURMAN: I would just like to  
17   ask that the commissioners get briefed afterwards on what  
18   the legal issue is so that we're aware. Okay.

19                   MR. AGRESTA: Yeah, I'd be happy to do  
20   that.

21                   COMMISSIONER BURMAN: Okay. Thank you.

22                   CHAIRMAN RHODES: Thank you. With that  
23   modification of putting Item 263 over to the August agenda  
24   I now ask do any of my fellow commissioners wish to recuse  
25   themselves from voting on any of the items on the consent

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2 agenda? Seeing none I will now call for a vote. Once  
3 again a vote of aye will be a vote in favor of the  
4 recommendations on the consent agenda. The Chair votes  
5 aye. Commissioner Sayre?

6           COMMISSIONER SAYRE: Aye.

7           CHAIRMAN RHODES: Commissioner Burman?

8           COMMISSIONER BURMAN: I vote aye including  
9 Item 377 which was added and not including 263 which was  
10 taken off.

11          CHAIRMAN RHODES: For avoidance of doubt  
12 the Chair is voting including to 377 as well.  
13 Commissioner Sayre, I assume as well for you?

14          COMMISSIONER SAYRE: Correct.

15          CHAIRMAN RHODES: Commissioner Alesi?

16          COMMISSIONER ALESI: Ditto, aye.

17          CHAIRMAN RHODES: Thank you very much.  
18 Secretary Burgess, is there anything further to come  
19 before us today?

20          SECRETARY BURGESS: There's nothing further  
21 to come before you today. The next Commission session is  
22 scheduled now for August 3rd.

23          CHAIRMAN RHODES: Thank you. With that I  
24 will adjourn.

25          SECRETARY BURGESS: I believe there's one

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2 other matter that you'd like to --?

3 CHAIRMAN RHODES: We are not done.

4 SECRETARY BURGESS: Okay.

5 CHAIRMAN RHODES: So --.

6 MR. AGRESTA: I remember something

7 about Colombo that I heard the other day. It seems

8 appropriate here.

9 CHAIRMAN RHODES: I'm being the -- the deep

10 -- the Department of Public Service is a hot bed of

11 stereotyping I just have to report. So I'll just observe

12 that we're now in the very happy position of having a

13 really good complement of commissioners. I also want to

14 recognize that very recently that was not the case and we

15 had a two commissioner Commission operating for several

16 months that took on the work, the important, the

17 meaningful, the -- a lot of work on behalf of -- of all of

18 us and on -- and to the benefit of the New Yorkers without

19 the complement -- the good complement that we have today.

20 And I just want to say to Commissioner

21 Sayre and to Commissioner Burman that you really carried

22 us forward. It's been a privilege to be your colleague

23 for a couple of weeks now, and I think I've been given a

24 view into how you operate and how you must have operated

25 during that interim period where I didn't have that

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2   privilege of that view.

3           So Commissioner Burman, thank you. Thank  
4   you for your service. Thank you for your thoughtfulness,  
5   your seriousness and your class. You know, during this  
6   period and I know you've been operating this way before  
7   this interim period and I'm really excited that you'll  
8   continue to do that going forward.

9           Commissioner Sayre, thank you as well,  
10   again, for your seriousness and thoughtfulness and class.  
11   And also I want to recognize that you took on the task of  
12   Chair. That's kind of selflessly. You took it on  
13   graciously and you took it on very successfully.

14           So we would like to acknowledge that  
15   service and we have a memento. We have a gavel and a pad  
16   in memory of your use of the gavel and the pad, and I  
17   read, Commissioner Gregg Sayre -- Gregg C. Sayre, with  
18   gratitude for your leadership as Interim Public Service  
19   Commission Chairman.

20           Thank you. Thank you and just for  
21   completeness of -- and transparency, this was the idea of  
22   a very thoughtful Commissioner colleague and I'll not  
23   embarrass her by -- by calling out her name. Thank you  
24   very much.

25           (Off the record)

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2   STATE OF NEW YORK  
3   I, LESLIE TOMPSON, do hereby certify that the foregoing  
4   was reported by me, in the cause, at the time and place,  
5   as stated in the caption hereto, at Page 1 hereof; that  
6   the foregoing typewritten transcription consisting of  
7   pages 1 through 30, is a true record of all proceedings  
8   had at the hearing.

9                   IN WITNESS WHEREOF, I have hereunto  
10   subscribed my name, this the 20th day of July, 2017.

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LESLIE TOMPSON, Reporter

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