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STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

Regular Meeting of the Public Service Commission

Wednesday, June 17, 2015
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

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2 (The meeting commenced at 10:29
3 a.m.)

4 CHAIR ZIBELMAN: Good morning,
5 everyone. So, Jeff, it's good to see you made it
6 this morning. Thank you for being here and hope
7 everyone enjoyed their Bloomsday Festival yesterday
8 for those of you who celebrate it.

9 So we're going to start the
10 Commission and we're going to bring it to --
11 Commission to order.

12 Secretary Burgess, are there any
13 changes to be made to the final agenda?

14 SECRETARY BURGESS: Good morning
15 Chair and Commissioners. There's 1 change to the
16 agenda this morning. Item 561 K09-C-0088, which is
17 the appeal by Riverbank Corporation, Inc., of the
18 informal decision rendered in favor of Verizon New
19 York, that matter is over.

20 CHAIR ZIBELMAN: Okay. Thank
21 you.

22 This morning, Commissioners, the
23 first part of the agenda is -- is Staff will be
24 presenting their findings from the annual studies
25 they do on reliability, gas safety, and customer

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2 service. I believe that, Raj, you're going to be
3 introducing the panel?

4 MR. ADDEPALLI: Yes.

5 CHAIR ZIBELMAN: And I think the
6 intent is we'll go free subject matter and then
7 I'll give the Commissioners an opportunity to ask
8 questions. This is all for discussion only and
9 then obviously if there are further questions after
10 you hear other panelists, you can always go back
11 because people will be here.

12 So, Raj, why don't you begin?

13 MR. ADDEPALLI: Good morning.

14 Good morning Chair Zibelman and Commissioners. As
15 you all know, provisional safe and adequate service
16 is a basic obligation of the electric and gas
17 utilities. And ensuring performance is a
18 cornerstone of utility regulation. Utilities are
19 compensated in rates to provide safe and adequate
20 service to customers. As part of the Department's
21 oversight, we monitor how well utilities are
22 meeting their obligation.

23 Last month we discussed with you
24 how well electric utilities are prepared to provide
25 reliable service for the upcoming summer and

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2 beyond. Today we'll look in the rearview mirror
3 and discuss how well utilities did last year on
4 electric reliability and electric reliability and
5 electric gas safety and customer service
6 performance metrics.

7 I should note up front that
8 performance measures and monitoring them is only
9 one element in the regulatory tool kit to ensure
10 safe and adequate service. To begin with,
11 utilities are provided adequate revenues to invest
12 in delivery infrastructure to help them provide
13 safe and adequate service to customers. These
14 revenue determinations are made typically in the
15 context of rate cases.

16 In addition, there could be other
17 rate mechanisms to provide more current recovery of
18 costs, especially in between rate cases,
19 commensurate with the cost onsets. For example,
20 now is the ability to use a surcharge mechanism to
21 collect incremental costs, to accelerate
22 replacement of leak prone pipe, and this mechanism
23 is being considered for other gas utilities.

24 Again, the intent is to allow
25 sufficient funding to invest in infrastructure to

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enable the utilities to provide safe and adequate service.

Second, to ensure that the utilities do not cut corners in providing quality customer service, in light of the incentives in traditional ratemaking to cut costs, service quality metrics are used to monitor utility performance and there are financial consequences if utilities provide service at a level below the thresholds established in rate cases.

Collectively among all the regulated electric and gas utilities, currently several hundred million dollars is at stake for performance. That is, utilities can face that much in financial consequences if they fail to meet performance expectations. The Public Service Law also offers other avenues to impose additional financial consequences should utilities fail to provide safe and adequate service.

Third, those service quality metrics that are not necessarily subject to financial consequences for nonperformance are still monitored by the Department Staff.

Finally, Staff does its own

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2 audits of utility performance to assess whether
3 utilities are meeting the safe and adequate service
4 expectations.

5 So what do we do as a result of
6 this monitoring? In addition to subjecting the
7 utilities to financial consequences if they fail
8 any metrics built into rate cases, Staff works with
9 the utilities to ensure the reasons for any decline
10 in performance and service quality are understood
11 and addressed in a timely fashion. The end result
12 is that customers should receive safe and adequate
13 performance.

14 So in order to apprise you on how
15 well utilities did last year on performance, we
16 have 4 presentations today. Chris Stolicky from
17 the Office of Electric, Gas, and Water will start
18 off with providing an assessment of the performance
19 of gas utilities and providing safe service,
20 followed by Jason Pause, also of -- of the Office
21 of Electric, Gas, and Water, will discuss electric
22 safety performance. And then Tammy Mitchell of the
23 Office of Electric, Gas, and Water will discuss
24 electric reliability performance. And finally,
25 Sonny Moze from the Office of Consumer Services

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2 Good morning Chair Zibelman and
3 Commissioners.

4 Item 101 is a 2014 gas safety
5 performance measures report. Before I dive into an
6 overview of the 2014 analysis, I'd like to provide
7 a brief overview of how safety monitors company
8 performance and compliance with the pipeline safety
9 regulations.

10 Raj mentioned the regulatory
11 tools and this report is only the first tool in the
12 safety tool chest. And I'd like to explain how it
13 fits into and complements the many efforts you may
14 not be aware of.

15 This performance measures report
16 examines the New York State natural gas local
17 distribution companies', or LDCs for short,
18 performance during 2014 and 3 high-risk areas
19 pertaining to gas safety, damage prevention,
20 emergency response, and leak management.

21 The second tool we utilize is the
22 integration of these measures into gas rate plans
23 to encourage improved performance. Failure to
24 perform at a designated level results in negative
25 revenue adjustments, also known as NRAss. And I

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2 will identify 2 LDCs who missed targets during
3 2014. I will now walk through the report and then
4 cover other tools safety uses to monitor company
5 performance and compliance.

6 This is the twelfth performance
7 measure report stemming from a collaborative effort
8 with the LDCs to develop measures by which efforts
9 and performance in maintaining safe gas
10 distribution systems can be monitored. This report
11 is intended to serve as a management tool by
12 allowing for analysis of trends and identification
13 of LDCs in need of improvement.

14 The data indicates that
15 performance in all 3 measures have greatly improved
16 since 2003. The damage prevention measure
17 describes the LDCs' ability to minimize damages to
18 varied facilities caused by excavation activities,
19 which is the leading cause of natural gas pipeline
20 failures and accidents, both statewide and
21 nationwide.

22 There are four components to the
23 damage prevention measures. Damages due to
24 mismarks or inaccurate marking of the LDCs' buried
25 facilities. For example, if an LDC places a mark

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2 due to mismarks, National Fuel Gas for damages due
3 to no-calls, National Grid Long Island and Con
4 Edison for company and company contractor damages,
5 and NYSEG and St. Lawrence Gas for damages due to
6 excavator error.

7 And turning your attention back
8 to the graph, please take note of the historical
9 improvements and damages due to no-calls. It's the
10 fourth set of bars on the graph. From 2003 to
11 2006, the statewide improvement was 28 percent.
12 But since the middle of 2007, all LDCs have
13 participated in an effort to provide Staff with
14 details of damages due to no calls for possible
15 enforcement actions.

16 Many have responded that this
17 program is beneficial and has contributed to
18 greater awareness of the one-call regulations and,
19 as a result, these types of damages have declined.

20 When comparing performance to
21 that of their rate case goals, only 2 LDCs failed
22 to meet targets during 2014. Central Hudson
23 exceeded its damages due to mismarked target, which
24 will result in a four basis point N.R.A., while
25 Orange and Rockland exceeded its damages due to

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2 be surveyed annually and do not have a required
3 repair timeframe.

4 For the repairable year-end leak
5 backlog, as seen on the graph --.

6 CHAIR ZIBELMAN: Technical
7 difficulties.

8 MR. STOLICKY: That's all right.

9 LDC performance in 2014 stayed
10 consistent with 2013. When compared to 2003, there
11 has been a 91 percent improvement. Both Con Edison
12 and National Grid New York notably declined in
13 their performance during 2014, while National Fuel
14 Gas dramatically improved its performance after
15 having been identified for many years as needing
16 improvement.

17 In looking at the combined
18 backlog of all leak classifications, so now
19 including Type 3 leaks, which is the first time
20 this data has been presented in this report, you
21 will see that National Grid Long Island accounts
22 for nearly half of this total. This lagging
23 performance has been identified and the
24 acceleration of leak prone pipe in its most recent
25 rate plan will help improve its backlog.

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2 the five-point safety regulations.

3 Staff's audit findings for
4 noncompliance will now result in NRAs and rate
5 plans similar to the targets mentioned above. The
6 value of the adjustment varies. For example, there
7 is a greater impact for failure to comply with
8 requirements that are considered high risk.

9 Finally, presenting this
10 information to the Commission, like we are today,
11 serves 2 important objectives. It brings to light
12 the efforts of the Pipeline Safety Staff who are
13 stationed across the state and are largely unseen,
14 and publicly displays gas LDCs' performance in
15 compliance with the pipeline safety regulations in
16 areas considered high risk to pipeline safety.

17 I want to take the moment -- a moment
18 to -- to point out Michael Passinella (phonetic
19 spelling), who did a lot of work behind the scenes
20 for this report, sitting in the audience behind us.

21 And thank you, Chair,
22 Commissioners. This concludes my presentation of
23 the 2014 gas safety performance measures report.
24 I'd be happy to answer any questions you may have.

25 CHAIR ZIBELMAN: Thank you,

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2 continue to meet their metric, really do have to
3 think about how they're going to modify their
4 operations. And are you in discussion with them
5 now?

6 MR. STOLICKY: Yes, we've been in
7 discussion all along with them. We have -- we have
8 regular meetings with utility management.

9 CHAIR ZIBELMAN: Okay. And then
10 the only -- the other --.

11 MR. ADDEPALLI: And you probably
12 are going to --

13 CHAIR ZIBELMAN: Go ahead.

14 MR. ADDEPALLI: -- you'll
15 probably hear from some of them that their
16 operating costs are increasing as a result to meet
17 the needs that come about.

18 CHAIR ZIBELMAN: Amazingly
19 enough, I've already heard that. So -- but, you
20 know, I mean, on the other hand, I mean, the good
21 news is this. You know, one of our concerns when
22 we -- when I first joined the Commission, I mean,
23 has -- was the fact that we were not getting people
24 to call. And sadly, because of the reason but, you
25 know, the fact is -- is that we -- you know, I

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2 would -- I don't want to suggest that we want to
3 normalize that because what we want is a call
4 volume that's appropriate to make sure that people
5 are paying attention.

6 And I'm also aware we're also
7 looking at methane devices as maybe another
8 solution so that we're not dependent necessarily
9 just on people's noses.

10 So -- but I think that the fact
11 of the matter is we need to have a process where
12 people are quickly to notifying the utilities or
13 the local authorities and that we get folks out
14 there very quickly.

15 The other thing, the fourth point
16 that you made, one of the things that you -- we
17 know is that there's operator error in the field
18 and then there are issues associated with getting
19 repairs done quickly. But the other is the focus
20 on making sure that the utilities are adhering to
21 our -- to the regulations. And is -- so when you
22 talk about the fourth element, will we be able to
23 see, next year, some sort of measure when we -- we
24 can take a look at compliance with regs as
25 something that -- again, that we would focus on?

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2 MR. STOLICKY: Yes.

3 MR. ADDEPALLI: Yes.

4 CHAIR ZIBELMAN: So the intent is
5 then we'll add a fourth element to the review?

6 MR. ADDEPALLI: Correct.

7 MR. STOLICKY: Correct.

8 CHAIR ZIBELMAN: Okay. Thank
9 you. That's all the questions I have.

10 Commissioner Acampora?

11 COMMISSIONER ACAMPORA: I -- I
12 really would just reiterate what the Chair has said
13 with regard to making sure that you just pound on
14 people as far as you smell something, make a call.
15 It's just like if you see something, you say
16 something. You can't let up on that stuff. You
17 really can't. It's -- it's important. And I agree
18 with, you know, having the detection is very
19 important, but we still need that human element to
20 make a difference.

21 And I really truly support the
22 audits. I think this is a good thing. We've seen,
23 as you said, improvement since 2003. Nothing is
24 ever perfect, but the fact that we keep getting
25 better I think should give the public some comfort

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2 to know that we take this very seriously and we
3 want to ensure that everyone is safe. Thank you
4 all for the hard work that you did on this.
5 Appreciate it.

6 CHAIR ZIBELMAN: Commissioner
7 Sayre?

8 COMMISSIONER SAYRE: I hope we
9 continue to get complaints from the utilities that
10 we're the toughest jurisdiction in the United
11 States on this stuff and we go above and beyond
12 what they have to do elsewhere. That's a good
13 thing. And if it costs some money, that's just
14 fine. Safety is of the utmost importance.

15 And I'd like to give a
16 commendation to the Staff on a particular incident.
17 I got a -- a call directly from a homeowner in
18 Western New York a few weeks ago that there was a
19 contractor next door digging in an area where there
20 were some gas and electric service lines without
21 any kind of a stakeout. And Staff was on scene
22 within a couple of hours and shut them down. Good
23 work.

24 CHAIR ZIBELMAN: Thank you.

25 Commissioner Burman?

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2 to see what some of the challenges are, which does
3 include looking and exploring at new technologies
4 and aging infrastructures, as well as the costs and
5 how we're going to address these issues, keeping in
6 mind that we need to keep costs down and that a lot
7 of these changes will be costly.

8 And that's part of why we have an
9 open docket on our leak prone pipe replacement, and
10 some -- exploring some of those issues. Because
11 it's not about saying, you know, okay, it's going
12 to cost so we don't care what the costs are. We
13 do. So we have to look reasonably at what we are
14 doing.

15 And, again, underscoring the
16 importance of safety and, you know, I in particular
17 regard compliance with our safety regulations as an
18 important element in ensuring safe and adequate
19 service. And I know that everybody, you know, from
20 the utilities to Staff and to the public are very
21 much in line with the importance of our gas safety
22 system.

23 I do want to take this
24 opportunity to say that, you know, before you dig,
25 call 811. And if you smell gas, leave the area

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2 immediately and then call 911 or your utility. And
3 don't assume that somebody else is doing it. And,
4 again, leave the area immediately and then call
5 from a safe area. Thank you.

6 CHAIR ZIBELMAN: Thank you.

7 I don't think that, you know,
8 anyone would doubt that from the standpoint of the
9 way we treat things we're -- you know, we are
10 always looking for everybody to get safe as fast as
11 possible.

12 I do want to note that the
13 expectation is not that they call the DPS Staff.
14 They call the utility or the local authorities. I
15 think what Commissioner Sayre was doing, and it's
16 well deserved, is our Staff is always ready to take
17 up an issue whenever -- when whoever calls them.
18 And I'm very appreciative to the dedication of our
19 gas safety staff, because of all the staff here,
20 they often end up in the most difficult situations.

21 The other thing is, and I just
22 want to note, we -- you know, we don't often say
23 kudos to gas utilities. But I think Mr. Stolicky
24 was absolutely correct to note that we're very
25 appreciative when we see a utility like NFG who has

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2 been responsive and has really been -- has picked
3 up and has particularly improved safety practices.
4 So I -- I also join in Mr. Stolicky in -- in noting
5 my appreciation for that.

6 So with that, let's -- we'll move
7 on to Ms. Mitchell.

8 MS. MITCHELL: Jason.

9 CHAIR ZIBELMAN: Oh, Jason -- Mr.
10 Jason Pause. Mr. Jason, go ahead.

11 MR. PAUSE: Good morning, Chair,
12 Commissioners.

13 Today I'll be providing an
14 overview of electric safety standards and the
15 utilities' compliance for 2014. I will start with
16 some background information on the safety
17 standards. The original order was adopted by the
18 Commission in January 2005 at the unfortunate death
19 of Jodie Lane, in New York City due to stray
20 voltage in 2004.

21 The order included stray voltage
22 testing of all electric facilities on an annual
23 basis, inspection of electrical facilities on a
24 five-year basis and cycle, and the adoption of the
25 National Electric Safety Code as a minimum standard

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2 for utility construction, maintenance, and
3 operation.

4 The overall goal of the safety
5 standards is to safeguard the public from exposure
6 to stray voltage and to identify and mitigate any
7 potential harmful conditions before safety hazards
8 and or reliability deficiencies develop.

9 And since 2005 there have been
10 several modifications to the order. These
11 modifications were a result of lessons learned from
12 previous years' activities and results to
13 effectively administer and manage the utilities'
14 efforts. New York's electric safety standards
15 continue to have some of the most stringent
16 requirements when compared to some other states
17 across the -- the nation.

18 The other states have adopted
19 similar parts of the safety standards, such as
20 stray voltage testing or inspections in modified
21 formats. However, no other states require such a
22 comprehensive effort with both manual and mobile
23 stray voltage testing, inspections, and associated
24 repairs by the utilities.

25 The latest modifications to the

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safety standards order, starting in 2013, the utilities are required to test its underground system and streetlight facilities on an annual basis, while testing its overhead distribution and transmission facilities on a 5-year cycle as the inspection requirements. Voltage findings of 1 volt or more are required to be recorded and mitigated.

Across the state, approximately 1.3 million electric facilities were tested in 2014. In total, there were 580 voltage findings of 1 volt or more.

This graph shows the historical streetlight findings for manual stray voltage testing going back 5 years. However, it only shows the total stray voltage testing findings for 2013 and '14 because the most recent changes in testing requirements have overhead and transmission facilities being tested on a 5-year cycle instead of annually as done in previous years. The total number of stray voltage findings in 2014 is down from 2013. However, given only 2 years of comparable data available at this time, we believe it's too early to draw any specific conclusions.

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2 The main takeaway from this graph
3 is that streetlights continue to be the largest
4 facility groupings with stray voltage findings.
5 Streetlight facilities are typically owned by and
6 the responsibility of the local municipality and
7 not the electric utilities.

8 For mobile stray voltage testing,
9 the safety standards require 12 mobile surveys in
10 New York City, two mobile surveys in Buffalo, and 1
11 mobile survey in Yonkers, White Plains, New
12 Rochelle, Albany, Niagara Falls, and Rochester each
13 year. These locations were selected due to their
14 population density and the number of stray voltage
15 findings in each city. Again, any voltage findings
16 of 1 volt or more is reported and mitigated.

17 In 2014, there were approximately
18 9500 voltage findings in the 3 utility service
19 territories where mobile stray voltage testing is
20 required.

21 This graph presents the total
22 number of stray voltage findings across the state
23 using the mobile testing units. As shown in the
24 graph, there has been an increase in voltage
25 findings over the past 2 years. This can be mainly

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2 attributed to harsh winter weather conditions which
3 primarily impact Con Edison's extensive underground
4 network distribution system.

5 In 2013 and '14, excessive snow
6 and rainfall levels were measured, longer than
7 normal duration of days with temperatures below
8 freezing were recorded, and a large volume of salt
9 was used as a roadway deicer than in recent years.
10 These conditions affect both the number of stray
11 voltage and inspection deficiency findings over the
12 past two years.

13 Overall, the majority of the
14 findings continue to be low voltage in nature and
15 attributed to nonutility and streetlight
16 facilities. Staff continues to work with the
17 company on this issue in efforts to help mitigate
18 and impact -- the impact on safety, reliability,
19 and the Con Edison customers.

20 Moving on to inspection efforts,
21 the utilities are required to inspection 20 percent
22 of its electric facilities per year and all within
23 five years. 2014 was the last year of the second
24 round of inspections since the requirements began.
25 This includes overhead, underground transmission,

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2 and streetlight facilities to help identify safety
3 and/or reliability concerns proactively.

4 For 2014, approximately 663,000
5 inspections were performed and all utilities met
6 and completed the 100-percent inspection
7 requirement within the 5 years. The safety
8 standards also required deficiencies found in
9 inspections to be categorized for repair based on
10 the level of severity and the effect on public
11 safety. Level 1 deficiencies require repair within
12 seven days. Level 2 repair required within 1 year.
13 And Level 3 require repair within 3 years.

14 There are approximately -- there
15 were approximately 220,000 deficiencies identified
16 by utilities in 2014 on a statewide basis.

17 This graph -- the next graph
18 shows the historical deficiencies found during
19 inspections going back to 2010, broken down by
20 deficiency levels and the overall totals. The
21 overall trend and number of deficiencies identified
22 has been increasing over the last several years as
23 shown by the graph. These results are attributed
24 to, again, the harsh winter weather conditions and
25 Con Edison completing more of its underground

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2 3.8 million facilities out there to be inspected.

3 CHAIR ZIBELMAN: So it's --.

4 MR. PAUSE: Across and statewide,
5 so that's a -- a large pool.

6 CHAIR ZIBELMAN: That's a -- not
7 immaterial when you think about it in those terms.

8 MR. PAUSE: Correct.

9 CHAIR ZIBELMAN: I'm pleased to
10 see the, you know, effort. I know that the issue
11 of stray voltage is particularly after Jodie Lane
12 is -- is something that we're very -- the
13 Commission's been concerned about, the industry has
14 been concerned about.

15 And I'll echo Commissioner
16 Sayre's comments, the fact that we are more onerous
17 than other states in this area, I think, is a badge
18 of honor and nothing for us to be concerned about.
19 This is exactly where we need to be.

20 The other thing that I think
21 is -- is of note is that the correlation, because
22 we've seen some information in the news about
23 manhole events recently, it's -- from my
24 understanding, it's the same thing is that what --
25 what's happening is the salt buildup is -- is

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2 actually what's -- what we think may be
3 contributing both to the voltage incidents and
4 the -- and the manholes.

5 MR. PAUSE: Yeah, it's -- the --
6 the salt in the -- that the -- that the city uses
7 down in -- down in New York City is a -- is a
8 continuing problem and -- and does cause corrosion
9 and -- and issues in the underground system.

10 CHAIR ZIBELMAN: Right. But it's
11 certainly another -- another safety issue, because
12 if we didn't salt there would be safety issues
13 during the winter months.

14 MR. PAUSE: Correct.

15 CHAIR ZIBELMAN: So it's trying
16 to deal with that. Thank you. I have no
17 questions.

18 Any further questions of Jason?

19 Commissioner Burman?

20 COMMISSIONER BURMAN: So thank
21 you very much. That was very helpful. I think
22 it's important also, you know, I started as a
23 staffer here shortly after the Jodie Lane incident,
24 and it really had a profound effect on me, as I
25 know it did others. And we did change the course

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2 of our conduct to ensure that we were doing all we
3 could.

4 Is there, now that there is --
5 right now I think the end of the 5-year cycle, is
6 there a opportunity to look and drill down and see
7 what the trends are, going forward after this
8 session? And -- and what is -- what's the process
9 for that?

10 MR. PAUSE: Yeah, we -- we meet
11 with the utilities on a regular basis to talk about
12 that. And we continually look at the -- the trends
13 and the -- and the numbers that we're seeing and --
14 as well as, you know, how much effort they're --
15 they're putting into -- into these -- these
16 inspections and -- and testing to come up with the
17 correct, you know, amount and while being
18 efficient, as well. So, yes, we are continuing to
19 look at that.

20 COMMISSIONER BURMAN: Okay.
21 Michael you look like you have something to say?
22 No? Okay. All right. Thank you. I think
23 that's --.

24 CHAIR ZIBELMAN: He was just
25 ramping up just in case.

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2 COMMISSIONER BURMAN: I -- I
3 think that's --.

4 MR. ADDEPALLI: But I think,
5 Commissioner, you're right. Now that we have
6 finished 2 cycles, it will be good opportunity to
7 take another look and see what changes, if any,
8 would be helpful, going forward. Utilities have
9 expressed concerns over time and they've been
10 addressed along the way in course corrections. But
11 if there are any further adjustments that need to
12 be made, we should be open to them and look at them
13 again.

14 COMMISSIONER BURMAN: Okay. I
15 think that's important, so I appreciate that.
16 Thank you.

17 MR. ADDEPALLI: Especially
18 there's a -- as Jason mentioned, there's no
19 negative revenue adjustment. That's the good news.
20 Everybody has performed. There is a -- a decent
21 amount of certified basis points for each utility
22 for each year if they fail. Some of the utilities
23 at point -- at some point in time have expressed
24 concerns, and we should be open to looking at them
25 as we go forward.

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2 COMMISSIONER BURMAN: Okay.

3 Thank you.

4 CHAIR ZIBELMAN: Okay. Great.

5 I -- I agree with that. We had a -- Con Ed has
6 mentioned, when we were talking about the manhole
7 events, that there may be an opportunity to switch
8 some focus. And I think that's a good thing to do.

9 Commissioner Sayre, did you --
10 you didn't have anything?

11 Commissioner Acampora?

12 COMMISSIONER ACAMPORA: That --
13 that's a good discussion to have, I think. I had
14 the opportunity, and I'm glad that you opened this
15 up, Jason, and talking about Jodie Lane, to speak
16 to who I think was the driving force of helping us
17 put together something that really has been
18 successful. And that's Mr. Lane who unfortunately
19 passed away several years ago. But he would be, I
20 think, very pleased with what we have done.

21 Sometimes New York gets a rap for
22 ranking first in something that's not positive.
23 This certainly is positive. This is where we stand
24 out as a national leader. And I think that the use
25 of the new technology that enhances the detection

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2 we use to monitor service reliability are monthly
3 interruption data and reliability performance
4 mechanisms, or RPMs.

5 Electric utilities are required
6 to submit detailed monthly interruption data that
7 enables Staff to calculate the frequency and
8 duration of interruptions. An interruption is
9 defined as the loss of electric service for 5
10 minutes or more. RPMs are established in each rate
11 case.

12 The RPMs impose negative revenue
13 adjustments on electric distribution companies for
14 failing to meet their reliability targets. The
15 reliability duration and frequency targets included
16 in the RPMs reflects system-wide metrics.

17 To gauge reliability performance,
18 Staff evaluates 2 primary components, the frequency
19 of interruptions and the average duration of
20 interruptions. Frequency is influenced by factors
21 such as system design, capital investment,
22 maintenance practices, and weather. Frequency can
23 also be improved by reducing the number of
24 customers interrupted when outages do occur, for
25 example, by adding reclosers.

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2 Statewide, including Con Edison,
3 customers experienced .57 interruptions per year or
4 were interrupted approximately once every other
5 year. This is consistent with the statewide 5-year
6 average.

7 All New York State utility
8 companies' interruption frequency performance was
9 comparable or better than the median frequency
10 performance found in the IEEE benchmark study year
11 2014.

12 This graph presents the last 5
13 years' performance for duration on a statewide
14 basis, excluding major storms and, again, showing
15 performance with and without Con Edison. The
16 interruption duration for utilities other than Con
17 Edison was 1 hour and 50 minutes in 2014, which is
18 3 minutes greater than 2013, but generally
19 consistent with the 5-year average.

20 The overall statewide
21 interruption duration was 1 hour and 53 minutes.
22 This is about 4 minutes longer than 2013, and
23 generally consistent with the 5-year average. As
24 compared to the companies in the IEEE benchmark
25 study, New York State utilities performed better

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2 than the median with respect to duration of
3 outages.

4 As mentioned -- next slide.

5 Thank you.

6 As mentioned earlier, the
7 Commission uses reliability performance mechanisms
8 or RPMs as part of rate cases as an incentive to
9 the utilities to maintain reliability performance.
10 Issues can be identified through failure of the
11 utilities to meet RPM targets and corrective action
12 plans can be developed to prevent the problem from
13 reoccurring. Con Edison has separate RPM targets
14 for both its radial system, which is primarily
15 overhead, and for its network system, which is
16 primarily underground.

17 In 2014, Con Edison met both the
18 frequency and duration RPM targets for its radial
19 system. Con Edison also met its network frequency
20 target. However, the company's network outage
21 duration performance of 4.92 hours was above the
22 target of 4.7 hours. As a result, Con Edison is
23 subject to a 5-million-dollar negative revenue
24 adjustment for not meeting that RPM target.

25 Con Edison identified 12 separate

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underground cable failures with long interruption durations as the driver of its poor network duration performance. Staff is working with the company to develop corrective action plans to improve duration performance. Items being discussed include promptly making temporary repairs to restore service to customers, while the more time consuming permanent repairs are being completed, workforce staffing plan and workforce management, including supplementing off-shift response crews during summer peak hours, and additional workout locations to reduce travel times.

All other utilities met both their frequency and duration RPM targets in 2014 and, therefore, no revenue -- revenue adjustments were necessary.

That concludes my presentation. I'll be happy to answer questions, but I would like to acknowledge Mary Farer (phonetic spelling) who worked very hard analyzing all this data and meeting with the utilities and putting together this report.

CHAIR ZIBELMAN: Thank you,

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2 Tammy.

3 And thank you, Mary.

4 I had an opportunity to get
5 briefed by Mary and was really appreciative of the
6 detail. So I -- you know, in -- I think in terms
7 of the -- in outages, I think one of the things I
8 think is important to note is that while we use
9 these RPMs because they provide a lot of
10 significance to the utilities, they don't like to
11 get penalties. And I -- I think to sort of
12 underscore what we're doing which is really an
13 effort of continuous performance and continuous
14 improvement and scrutiny in the right areas.

15 So the fact that it's my
16 understanding is that when Con Ed had moved to a
17 process of centralizing crews and realized through
18 that -- doing that, while there is an efficiency
19 gain through crew centralization, there was a
20 impact -- unintended impact on their ability to get
21 crews where they needed to be in a outage.

22 So I think this really is sort of
23 evidence of learning and improving, and that's --
24 that's really what this is about.

25 So, you know, I -- while I'm sure

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2 none of the utilities like to get penalties, I
3 think where everyone agree, it helps to shine a --
4 a spotlight in the right areas, which is what we're
5 trying to do. So I appreciate that. I don't have
6 any questions.

7 Any further questions? Gregg?

8 COMMISSIONER SAYRE: Just a
9 comment. It's a real balancing test to figure out
10 how much to ask or let the utilities spend in order
11 to reduce the frequency and duration of outages
12 because it's very difficult to measure exactly what
13 outages cost to ratepayers.

14 It does seem to me that as
15 society moves on and becomes more and more
16 electronic, the cost of -- of outages to ratepayers
17 is probably increasing over time. And I'm not sure
18 how you strike that balance, but I am happy to see
19 that our goals are to be better than the rest of
20 the country and to keep them moving in the right
21 direction. I think in -- in the absence of some
22 more strict quantification, those are the right
23 things to do.

24 CHAIR ZIBELMAN: Commissioner
25 Burman?

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2 COMMISSIONER BURMAN: Thank you.

3 So these annual reports are a way
4 really for us to take stock of what our mission is
5 and what we have been doing this past year. And I
6 must stress that it's not intended to be a
7 theoretical exercise so that we can check the box,
8 but really to drill down and make sure that we are
9 really looking at it and seeing what we can do to
10 improve.

11 For me, this report is actually
12 very personal. Reliability is paramount and, you
13 know, everything that we do we really need to be
14 able to have systems in place that continue to keep
15 our reliability accurate and improve it as we can.

16 And I really just want to, from a
17 personal perspective, you know, we're talking about
18 some of the metrics, looking at the major storms.
19 And, you know, it is personal. We have to get it
20 right. And from a personal perspective, when my
21 youngest was born, he was born June 10th, 2003. So
22 August 2003 the blackout happened.

23 And, you know, I had just started
24 back at work, not here, and the blackout happened.

25 And I was very stressed out trying to get -- figure

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2 participate in that. And that gets to a larger
3 issue for us.

4 So all of these things do
5 connect. And so when I look at these annual
6 reports, I just want to emphasize the importance of
7 making the connections and seeing how things work
8 and what we're doing to try to have more seamless
9 and better quality of service overall. And knowing
10 that we do have to engage and make sure that we're
11 talking to people and seeing. So thank you.

12 CHAIR ZIBELMAN: Thank you.

13 So, Commissioner Sayre, there --
14 I actually -- your point's a good one. And I -- I
15 think when we're talking about benefit cost
16 analyses in the future, one of the things that it
17 will be helpful, I think, to have in mind is that
18 there are calculations of the loss of load cost in
19 society. And one of the things we heard even when
20 it -- when folks were talking to us about power
21 quality issues, even momentary outages that we
22 don't even see are costing us millions of dollars,
23 particularly manufacturing loads and digital loads.

24 And I think as we all become more
25 digitalized, these minor perturbances become more

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2 just -- it's Sonny; right? You're here for
3 support?

4 MR. MOZE: Thank you Chair and
5 good morning Commissioners.

6 This item summarizes the electric
7 and natural gas utilities performance for 2014 on
8 measures of customer service quality. These
9 include 2 types of measures, standardized
10 indicators reported by all of the utilities and
11 customer service performance incentives which vary
12 by utility and include negative revenue adjustments
13 for unsatisfactory customer service performance.

14 The data provided by each utility
15 in its monthly performance indicator reports allow
16 Staff to track customer service performance. The
17 performance indicators are P.S.A. complaint rate,
18 customer satisfaction survey, appointment kept,
19 call answer rate within 30 seconds, billing
20 accuracy, and meter reads.

21 The customer service performance
22 incentives help to align shareholder and ratepayer
23 interest by providing potential earning
24 consequences to shareholders that reflect the
25 quality of service to utility customers. Every

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2 major gas and electric company in New York State
3 has these mechanisms in place. For all of the
4 utilities, the customer service performance
5 incentive mechanisms contain targets with PSA
6 complaint rates and for survey measures of customer
7 satisfaction.

8 Some also include targets for
9 other more specific measures of utility
10 performance. I show on the chart the checkmarks
11 are actually -- represents each utility meeting the
12 targets for 2014. And the X represent the 2
13 utilities that were not able to meet their targets
14 for PSA complaint rate and customer satisfaction.
15 With regard to National Grid Long Island and
16 National Grid New York was not able to meet its
17 targets for customer service survey.

18 The good news is that for the
19 most part, the electric and gas utilities'
20 performance has steadily improved over the last
21 several years, and this trend continued in calendar
22 year 2014. For example, NYSEG's performance on all
23 calls, calls answered within 30 seconds has
24 improved for 3 consecutive years. And National
25 Fuel Gas has -- has had only 1 escalated complaint

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2 for the calendar year 2014.

3 However, 2 companies reported
4 performance deficits in 2014.

5 National Grid Upstate failed to
6 meet its customer satisfaction in its target of
7 greater than 82.0 percent which resulted in a
8 negative revenue adjustment of 2.5 million dollars.
9 Pursuant to the utility's rate plan, this amount
10 has been deferred for the benefit of customers and
11 no Commission action is required. The company
12 states that it failed to meet its customer
13 satisfaction index target due to a number of
14 factors, including an unusually cold winter and
15 high electric commodity prices, which in turn
16 increased customer bills resulting in decreased
17 customer satisfaction.

18 In an effort to assist -- assist
19 customers, the company filed 2 petitions in early
20 2014. A January petition proposed a 1-time
21 adjustment to the tariff mechanism used to
22 calculate commodity prices for residential and
23 small commercial customers. The Commission
24 approved the company's petition which resulted in a
25 33 million dollar credit to residential and small

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2 commercial customers to help mitigate bill impacts.

3 An EPRI petition, which was
4 approved by the Commission, proposed 2 low-income
5 benefits including providing 250 dollars credit to
6 participants in the company's affordability program
7 and 20 dollar bill credit to customers in lower --
8 in the low-income discount program.

9 The company also made a corporate
10 contribution of a million dollar to its Care and
11 Share Program fund and launched an aggressive
12 outreach plan to help explain bills and provide
13 assistance to customers. The company states that
14 it will continue to implement best practices and
15 lessons learned to deliver the high level of
16 service to its customers.

17 National Grid Long Island
18 reported that it failed to meet both its
19 performance target level of 83.4 percent in
20 customer satisfaction, and the PSA complaint rate
21 target of 1.1, which resulted in negative revenue
22 adjustment of 4.4 million dollars for each of the
23 failed targets for a total of 8.9 million dollars.
24 Pursuant to the utility's rate plan, the 8.9
25 million dollars has been deferred for the benefit

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2 of customers and no Commission action is required.

3 National Grid Island -- Long
4 Island states that a combination of its separation
5 from LIPA, the unusually cold winter, and a billing
6 system conversion made 2014 a challenging year for
7 customer satisfaction. Although customer
8 satisfaction performance improved towards the end
9 of the year with the company exceeding the target
10 in 4 out of the final 5 months, the company could
11 not overcome the challenges experienced earlier in
12 the year.

13 National Grid Long Island states
14 that it has taken the following actions to improve
15 customer service in 2015. One, deployment of
16 automatic meter reading with improved read
17 states -- rates which should reduce complaints
18 related to exorbitant bills.

19 Two, contracting with a
20 third-party vendor to perform call quality
21 assessments and scoring, which will enable the
22 company to target coaching of representatives.

23 Three, the implementation of a
24 cross functional team consisting of members from
25 all customer facing work areas to review customer

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2 satisfaction results, survey responses and trends
3 to determine corrective measures.

4 Four, implementation of process
5 excellence team to streamline activities that
6 impact the customer experience and a performance
7 hub designed to engage representatives in
8 identifying process improvement opportunities in
9 the customer call center.

10 Five, focusing on first-call
11 resolution which the company's customer
12 satisfaction studies show results in higher levels
13 of satisfaction.

14 Six, increased training for
15 representatives on a variety of topics, including
16 complex billing, soft skills and empathy, payment
17 agreements program for those with special needs,
18 and gas safety.

19 In summary, the customer service
20 performance incentives currently in place by the
21 utilities in New York State establish strong
22 standards for performance and put significant
23 amounts of shareholder earnings at risk for
24 nonperformance. Overall, the customer service
25 performance incentive mechanism implemented by the

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2 Commission, coupled with Staff's ongoing monitoring
3 efforts have been effective in making the quality
4 of service to customers a corporate priority and
5 providing criteria for ensuring that the quality of
6 customer service remains at high levels.

7 Staff will continue to monitor
8 customer service quality provided by utilities to
9 ensure the fair and appropriate treatment of
10 utility customers across the state. And we will
11 continue to promote performance-based ratemaking
12 strategies relating to customer service quality as
13 alternatives to traditional cost of service
14 regulation.

15 This completes my presentation on
16 the energy utilities customer service performance
17 report for 2014. And I would be glad to answer any
18 questions.

19 CHAIR ZIBELMAN: Thank you.
20 Thank you, Sonny. Very good.

21 I know we're -- we have a long
22 day in front of us, so let me -- I'm not going to
23 spend a lot of time on this. But, you know,
24 clearly for -- for all of us the -- you know, not
25 only is looking at utility customer service a --

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2 kind of a good gauge on how well they're doing
3 their job. In a way it's a good gauge on how well
4 we're doing our job.

5 So actually staying focused on
6 that, particularly as we move towards REV, is very
7 important because it gives us a good baseline and a
8 good way of gauging, you know, how well are we
9 doing in -- in getting the ultimate voters on this
10 watching us do our job.

11 One of the things I just wanted
12 to alert the other Commissioners to do -- to do and
13 note of, when we were meeting with the customer
14 service staff this week, we talked about the fact
15 that if you looked at that matrix, there are few
16 elements that all the utilities do. And then
17 there's a scattering of different ones.

18 One of the things that Staff is
19 working on, which I think is very important, is to
20 get that uniform. Because I think not only are we
21 looking at year over year performance of each of
22 the utilities, but it's -- it's a good way of -- of
23 comparing the utilities to each other. And so
24 having that uniformity, I think, will be helpful
25 for us. I'm appreciative that actually Staff has

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2 that underway and is already working -- working to
3 get there.

4 I have no further comments on
5 this. Any further comments by any Commissioners?

6 Commissioner Sayre, you want to
7 go first?

8 COMMISSIONER SAYRE: I was
9 listening to a presentation from National Fuel Gas
10 a few months ago when they said well, it looks like
11 our complaint rate is going to be 1 this year. And
12 I said 1 per thousand customers. No. 1 for the
13 year.

14 I think it's pretty clear that
15 that company is instructing its customer service
16 representatives to take care of the customers'
17 problems so they don't have to come to us. I would
18 commend that mindset to the other utilities in the
19 State of New York.

20 CHAIR ZIBELMAN: Thank you.

21 Commissioner Burman?

22 COMMISSIONER BURMAN: Thank you.

23 So when I look at this, first of
24 all Sonny, this -- thank you. I think this is your
25 second time presenting. This item last year was

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2 at the causes, at least being identified at this
3 point as an unusually cold winter, okay that could
4 apply, I guess. But it depends on which area is
5 hardest hit and their population and the
6 infrastructure. And there's a lot of different
7 other things that go into that factor in terms of
8 the metrics.

9 And then separation from LIPA,
10 well, you know, that just might be a blip from, you
11 know, not necessarily the utility but overall
12 looking at what does that mean and, you know,
13 anything in terms of change may have caused
14 customers to be dissatisfied. It doesn't -- you
15 know, and obviously, you know, it -- it's
16 utilities -- the utility might take the brunt of
17 that.

18 And then the billing system
19 conversion, again, we have to keep in mind that any
20 time we make system changes that there can be blips
21 in, you know, the metrics, whether it's customer
22 service, whether it's reliability, whatever it is,
23 and we have to be mindful of that and look at the
24 short-term and long-term goals.

25 So when I look at this annual

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report, I don't see that necessarily as a negative for National Grid Long Island. It's an opportunity for us to have a discussion and make sure that we are carefully monitoring, but also not inappropriately dinging someone because of the causes that may or may not be anything just by, you know, that -- for that particular year and look towards that. So I just want to be mindful of making sure that we are carefully evaluating that. Thank you.

CHAIR ZIBELMAN: Commissioner Acampora?

COMMISSIONER ACAMPORA: Okay.

Doris, this one's for you. Just, you know, briefly give us an update on the possibility of negative revenue adjustments and its effects to the street and to the companies.

MS. STOUT: So these negative revenue adjustments have been in place for a number of years already and they're already incorporated into the rating agency analyses of the New York Commission and our policies. I think the overall perspective still that the rating agencies have of the New York utilities is that we have a positive

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2 regulatory environment, and these negative revenue
3 adjustments, you know, are -- are just one of the
4 elements of -- of our regulatory environment.

5 The one specific here to, you
6 know, the National Grid Companies are relatively
7 minor in the overall grid perspective because Grid
8 is an international company. And so we didn't see
9 any negative impact on that -- those companies as a
10 result of the negative revenue adjustments. And
11 they -- you know, National Grid has actually
12 already reported them on their books, so there
13 was -- there wasn't any negative impact.

14 COMMISSIONER ACAMPORA: Thank
15 you.

16 Whether we're doing a service
17 call or a report on telecom or whether we're doing
18 it on utilities, it's always informative. And I
19 know it's important to all the Commissioners the
20 outcome and findings. And as Commissioner Sayre
21 said, you know, whether they do it on their own or
22 then a customer is calling us.

23 And thank goodness when the
24 customers do call us, because I think it gives our
25 own department a flavor to then speak to the Chair

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2 and that information gets shared with the
3 Commissioners as to if there are problems or, you
4 know, what a company is really doing right that can
5 be shared possibly with -- with other companies to
6 make sure consumers are getting the optimum
7 benefits. So thank you very much for the report.

8 CHAIR ZIBELMAN: Thank you.

9 And I -- I think the other
10 observation -- one of the benefits, frankly, of the
11 negative revenue adjustments is that they're used
12 by the companies to actually put them back into
13 operations. So these aren't penalties. They're
14 actually a way of saying, well, where we -- where
15 do we need to focus some of our efforts moving
16 forward.

17 But the other piece that I think
18 is important is that, you know, I -- we all -- I
19 know no business manager ever likes to feel like
20 they're getting dinged on an incentive because of
21 something that was out of their control, but one of
22 the things that you'd like to do is say, okay, we
23 need to understand some things like separation from
24 LIPA we should have expected some blips. What did
25 we do wrong? Next time something like that

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2 happens, what do we do right? So it's -- it's
3 partly being able to anticipate the things that you
4 can't anticipate and having the -- sort of the
5 processes in place to address those.

6 And that's -- that's one of the
7 reasons we have this focus because we do want, you
8 know, to all understand how do we keep customers
9 feeling like they're getting the service they pay
10 for.

11 With that, thank you all very
12 much and excellent job. And we will, I understand,
13 get a better system next time. So thank you.

14 We'll go on to the next item.

15 (Off-the-record discussion)

16 CHAIR ZIBELMAN: Welcome. So the
17 next item up is 304, which is the Con Edison
18 electric rate plan extension. John Scherer, who's
19 the Deputy Director of the Office of Accounting
20 Audits and Finance, and Mike Twergo, Chief of
21 Electric Rates and Tariffs, are going to be
22 presenting the item today.

23 And, John, you're going to be
24 lead batter?

25 MR. SCHERER: I'm sorry?

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2 CHAIR ZIBELMAN: You're lead?

3 MR. SCHERER: Yes, I'll lead.

4 CHAIR ZIBELMAN: Okay.

5 MR. SCHERER: Morning, Chair

6 Zibelman and Commissioners.

7 Item 304 before you is a draft
8 order that adopts the terms of a joint proposal
9 submitted by the parties in Cases 13-E-0030 and
10 15-E-0050 regarding Consolidated Edison Company of
11 New York, Inc.'s electric delivery service.

12 Con Ed -- Con Edison is currently
13 operating under a two-year electric rate plan the
14 Commission approved on February 21st, 2014 in Case
15 13-E-0030. The electric rate plan expires on
16 December 31st of this year. The joint proposal
17 would extend that rate plan 1 additional year
18 through December 2016.

19 In January 30th of this year, Con
20 Edison filed for new electric rates to be effective
21 January 1st, 2016. That rate case was assigned
22 case number 15-E-0050. In that filing, the company
23 sought to increase its delivery service revenues by
24 360.1 million -- 368.1 million dollars or 7.2
25 percent on the delivery bills, 3.2 on total bills,

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2 including commodity.

3 After an initial review of the
4 filing, Staff believed it was possible to extend
5 the current rate plan for an additional year
6 without a base delivery rate increase.
7 Accordingly, Staff reached out to the Consolidated
8 Edison and some interested parties to explore
9 interest in extending the current rate plan. The
10 parties collectively decided to pursue a rate plan
11 extension and entered into confidential
12 negotiations.

13 Parties' negotiations -- or
14 parties negotiated for approximately 2 months and
15 produced the joint proposal that's before you for
16 consideration today. The joint proposal continues
17 the vast majority of the provisions of the existing
18 rate plan that provides the company with necessary
19 funds to build, maintain, and operate a safe and
20 adequate electric system.

21 The proposal also provides a
22 reasonable 9 percent ROE, return to investors
23 that -- and the funds that will maintain the
24 company's financial integrity, which is essential
25 to provide the utilities' access to capital markets

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2 at reasonable terms.

3 In addition to addressing Con
4 Edison's electric revenue requirement needs, the
5 joint proposal includes changes to the company's
6 standby service rates and establishes a
7 collaborative framework to develop a robust
8 business case for the company's advanced metering
9 infrastructure initiative. These features will be
10 presented by Michael Twergo.

11 In terms of revenue requirement
12 needs, the joint proposal provides Con Edison an
13 increase in delivery -- electric delivery revenue
14 requirement of 74.8 million dollars in 2016. This
15 represents an 80 percent reduction from the
16 increase sought by the company.

17 Primary drivers of the
18 incremental revenue needs include return on new
19 capital additions and related depreciation
20 expenses, correction of a federal income tax
21 computational error, operations of maintenance
22 expenses and operation of maintenance expenses.
23 I'm sorry.

24 The drivers are materially offset
25 by the inclusion in rate base, certain deferred tax

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benefits and customer credits, as well as higher forecasted of other operating revenues and lower taxes. Rather than increase electric delivery rates to provide for the increase in revenue requirement, the joint proposal amortizes 74.8 million of available customer credits to provide for the company's revenue needs. As such, electric delivery rates will remain frozen at existing levels.

The joint proposal also includes a provision that will amortize an additional 47.8 million of customer credits to maintain the effective base rate freeze for a third consecutive year. Under the current rate plan, delivery rates were increased by 47.8 million dollars effective January 1st of this year. However, customers are insulated from that increase due to a temporary bill credit in an equivalent amount. To maintain the base delivery freeze for customers, the joint proposal continues the bill credit for an additional year through the end of 2016.

In summary, the joint proposal uses -- utilizes 123 million dollars of available customer credits to provide for Con Edison's

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2 electric delivery revenue requirement needs for
3 2016. The utilization of the credit maintains the
4 base delivery freeze for a third consecutive year.

5 The joint proposal includes the
6 requirement that the company file supplements
7 cancelling the proposed tariff amendments filed in
8 Case 15-E-0050 upon the Commission's adoption of
9 the joint proposal. As such, the January rate
10 filing will be rendered moot with your decision
11 today.

12 I now turn the presentation over
13 to Mike Twergo, who will discuss the standby rates
14 and the MI proposals.

15 CHAIR ZIBELMAN: Thank you.
16 Welcome, Mike.

17 MR. TWERGO: Thank you.

18 The JP contains 3 proposed
19 changes to the company's standby rates. The first
20 proposed change is to how the monthly adjustment
21 charge, or MAC, is assessed to standby customers.
22 The MAC, which is currently charged through 3
23 standby rate components, the customer charge, the
24 contract demand charge, and the as-used daily
25 demand charge, would be changed to charge standby

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2 customers in the same manner as charged to all
3 other customers. And that is through a single per
4 kilowatt hour charge.

5 This change will reduce a
6 contract demand charge, result in bill savings to
7 most standby customers, and have only a nominal
8 effect on other customers. Additionally, this
9 change simplifies the calculation of the MAC charge
10 to standby customers, allowing them to more easily
11 verify the charges incurred.

12 The second proposed change is to
13 how the SBC, RPS, and EEPS charges are assessed to
14 offset customers. Offset customers are standby
15 customers whose generation facilities are
16 interconnected directly through the company's high
17 voltage distribution system, rather than behind
18 customers' load meters.

19 Currently the surcharges are
20 applied to customers' total kilowatt hour usage,
21 including kilowatt hours produced by the customers'
22 generation facilities. The proposal contained in
23 the JP would assess these surcharges on the
24 customers' usage net of their generation, which is
25 consistent with how these charges are assessed to

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2 other standby customers and with how as-used daily
3 demand charges are billed.

4 The last proposed change is a
5 creation of a performance-based credit that standby
6 customers can use to mitigate their contract demand
7 charges. The credit would be based on the
8 performance of the customers' generator, measured
9 ten a.m. to ten p.m. Monday through Friday between
10 June 15th and through -- through September 15th.
11 The credit for the first year would be based on
12 performance measured during the previous single
13 summer, and measured over the two previous summers
14 thereafter.

15 The proposed credit is equal to
16 the product of the lowered measured kW output of
17 the generator and the contract demand charge with
18 limited exclusions for outages. The credit would
19 be calculated October 1st of each year and applied
20 to customers' bills from November through the
21 following October.

22 This credit program will allow
23 generators to show they can perform reliably as
24 distribution system assets and provide information
25 necessary for Con Ed to incorporate distributed

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2 the JP, the company will defer for future credit to
3 ratepayers the revenue requirement impact of the
4 reduction.

5 The draft order directs Con
6 Edison in developing the business plan to consider
7 ways in which third parties can be active partners
8 in realizing the benefits that can be extracted
9 from this technology and information. As an
10 example, it states that the company should consider
11 whether third party ownership of AMI meters is
12 possible. The draft order continues that the
13 Commission expects the AMI business plan to address
14 third party access to AMI meter data as required
15 under the JP.

16 Moreover, it states that the
17 business plan should include REV demonstration
18 project proposals as a mean to explore innovative
19 pricing mechanisms to extract the full value of the
20 data produced by AMI and also directs the company
21 to explore how AMI can help facilitate the
22 integration of distributed energy resources into
23 the distributed system platform.

24 I'll now turn the presentation
25 back over to John.

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2 MR. SCHERER: Thank you, Mike.

3 The joint proposal enjoins the
4 supportive parties with a broad range of interest
5 that are often adverse. There were -- or there are
6 fifteen signatories to the joint proposal.
7 Consistent with the State Administrative Procedure
8 Act, notice of the joint proposal was published in
9 the State Register on April 22nd and the comment
10 period expired on June 8th.

11 In addition, Secretary Burgess
12 issued a notice soliciting comments on April 29th,
13 seeking comments from the public regarding the
14 joint proposal. All of the comments are summarized
15 in the direct order that's before you.

16 Generally the -- the comments
17 were -- were favorable. The comments received on
18 the JP were supportive. There were no comments in
19 opposition. The Utility Workers of America, AFL
20 CIO. Local 1-2 supports the joint proposal but
21 raised issues related to the company's labor
22 practices. These issues are currently under review
23 in a generic proceeding that the Commission
24 approved last year, and they will be addressed as
25 appropriate in the company's next rate filing.

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2 Comments were also received
3 regarding the -- the initial rate application of
4 the Company. They were generally regarding the
5 magnitude of the rate request, as well as there was
6 some opposition to funding of smart metering for
7 residential customers due to their health concerns.
8 Obviously, those -- those issues are to be explored
9 further in the AMI collaborative. And the rate
10 impact on customers is -- is -- is nonexistent due
11 to the continuation of the rate fees.

12 Accordingly, the -- the consensus
13 of advisory staff is a recommendation to adopt a
14 joint proposal without modification.

15 And that concludes our
16 presentation. Mike and I are now available for
17 questions.

18 CHAIR ZIBELMAN: Thank you, John.

19 And thank you, Mike.

20 Also appreciate all the work of
21 the other staff members who I know were involved in
22 this.

23 And wanted to note in -- that,
24 you know, this is a little different than the
25 typical settlement. And I think it's to really the

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2

credit of -- of Staff and -- and the company, but

3

the Staff identified that the changes that the

4

company made could have been one that would

5

probably end up in settlement and then, rather than

6

take the time and go through the settlement

7

process, approached the Company about doing the

8

extension to see if matters could be expedited and

9

save everybody time and money. And it turned out

10

to be a good thing.

11

So I -- I appreciate everyone's

12

hard work on that, both on the Staff side, the

13

company side, and all the members. I think

14

that's -- that's a good -- good outcome,

15

particularly since now we have a third year of flat

16

rates, which is also a very good outcome.

17

In terms of AMI and standby

18

rates, so first -- first with respect to AMI, I

19

just -- I want to -- I know that the -- the JP

20

contemplates that there would be an October filing.

21

But I would urge, since we are going to be dealing

22

with what do we need for advanced both metering and

23

communication infrastructure in the MDPT reports

24

and the staff reports coming out of that work, as

25

well as I know that we are also going to be looking

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2 different purposes, but they -- they never realized
3 the benefits.

4 So I'm appreciative of the fact
5 that the JP contemplates a really broad base
6 collaborative with various interests engaged. And
7 with that, I'm hopeful that we will have a program
8 in New York that is much more successful. In fact,
9 absolutely successful as compared to programs that
10 we've seen in -- in other states where people have
11 sort of fumbled it.

12 So -- and I'm also, I think, on
13 the standby rates, again, this is something that
14 was very -- brought to our attention last year,
15 particularly by the real estate community in New
16 York who felt that the way standby rates were being
17 done was an impediment to their ability to both
18 develop and then use distributed energy in a way
19 that could support the -- the grid, as well as --
20 as help keep prices down.

21 And we asked Con Ed to really try
22 to start working with that community. I know Staff
23 was deeply engaged in that, and I'm appreciative
24 that we've taken some steps forward. We already
25 took some action recently with standby rates. I

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2 think this is a further step, obviously, a question
3 we'll continue to engage in within REV.

4 But, you know, it's one -- one
5 kind of step as we used to say and the markets just
6 sort of crawl, walk, run. I think we're walking
7 now. We're no longer crawling, but I'm
8 appreciative to see these changes. And so with
9 that, I intend to support the JP and I have no
10 questions.

11 Any questions or comments.

12 Commissioner Burman, do you want
13 to lead off?

14 COMMISSIONER BURMAN: So I --
15 I've -- I -- when I look at this item, I appreciate
16 very much all of the folks who have participated to
17 come together in a joint proposal. I appreciate
18 the hard work of everyone.

19 For me, when I look at it,
20 overall I think it's a very good collaborative
21 effort. I do have to note specific concerns that I
22 see and I think that we need to take stock of in
23 general.

24 So when I look at this and I know
25 it's pursuant to our Open Meetings Law, it is --

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2 proposal provides a rational basis for the
3 Commission's decision.

4 And I think that all 4 prongs
5 have been met. So for that, I think I'm
6 comfortable in concurring in approval. My concerns
7 really go to the heart of, you know, how everything
8 fits together. And I think I've been consistent
9 throughout my tenure at the Commission in
10 discussing that, for me, it's a matter of looking
11 holistically at all of the different proceedings
12 that we have and making sure that we are carefully
13 matching up and evaluating so that there are no
14 missteps in doing one thing inappropriately in one
15 piece and not in another.

16 We have a lot of open
17 proceedings. You know, we have the -- you know, we
18 have -- in REV, we have a micro grids proceeding
19 that's delving into issues. We have the REV
20 demonstration projects that will be coming July
21 1st, I believe. And we have the low-income
22 proceeding. We have the community choice
23 proceeding. And we have a lot of different -- and
24 there's, you know, the standby rates and actually I
25 think there's a petition for rehearing on one of

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2 the standby rate orders that we have done.

3 So when I look at this, I want to
4 make sure that things start aligning. And you're
5 never going -- you know, you're never going to have
6 everything fully match up. So when you start a
7 generic proceeding to make some global policy
8 decisions, the trend is for when you do that to
9 have some completeness and wholeness in that
10 policy, but that to have then those policies help
11 drive the other decisions, and in -- in this case,
12 rate cases which really is our bread and butter
13 that we do at -- at the Commission.

14 And so for me, I think it's very
15 good that this joint proposal is only a 1-year
16 extension and not having looked at it what was
17 originally looking at as a 3-year potential. But
18 one of the difficulties in having looked at it in a
19 shorter timeframe, obviously there are benefits to
20 that. The pros is you didn't have a long
21 protracted litigation schedule. You didn't have
22 costs that would have been -- would have been born,
23 and it can be done in a shorter timeframe.

24 However, one of the cons to this
25 is that what is not necessarily here for me as a

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2

decision maker is the full breadth of sort of

3

the -- the heart of what somebody or what a

4

particular party may have felt most strongly about.

5

And so I didn't get all of sort of the details of

6

it. And I know when you come to a joint proposal

7

or a settlement in some fashion, you know, there's

8

a -- there's a tug and pull. So you give up

9

certain things because you're getting some other

10

things, but at least there's an understanding of

11

where the -- you know, the real push and the pull

12

was.

13

And so I'm having a difficult

14

time seeing, you know, who may have conceded for

15

the sake of coming to resolution, which was a good

16

thing, versus what they may not necessarily be so

17

happy with even though they're okay overall in

18

saying, you know, they're signing the joint

19

proposal.

20

When I look at it, you know, we

21

have within this kind of proceeding, within this

22

Con Ed matter, we have a number of different items

23

that are teed up for future decisions, standby

24

rates, the REV demonstration projects, which the

25

business plans of the AMI are supposed to take into

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2 account, the REV demonstration projects. We have
3 the labor dispute, they are labor concerns as well
4 as a number of other different things, low income.

5 And so I understand that overall
6 we can't stop things and have sort of a timeout
7 while we catch up to our generic policy
8 proceedings. But I -- I do want to start seeing
9 the trend of the policy, the generic proceedings
10 sort of coming together so that the future and the
11 current -- upcoming current rate cases start lining
12 up so that we don't -- and -- and I -- and I want
13 to make clear that because we're -- because I am
14 concurring in this, it does not mean that for some
15 of the decisions that it's then, well, this is how
16 we're going to do it in another rate case or in the
17 generic proceeding.

18 However, that is also what
19 concerns me is because, as Doris spoke to the --
20 the financial communities looking at the positive
21 regulatory environment, part of the positive
22 regulatory environment is the certainty that we
23 provide. And in this proposal and in this order,
24 we are talking about that there may be future
25 actions in REV that will affect this.

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2 or a con earlier, may now because of changes in
3 our -- in -- in our energy structure, may actually
4 now not be a -- a -- a negative. And so that is
5 part of sort of the -- the good piece of this is.

6 So my understanding is we are not
7 necessarily locking ourselves into a decision point
8 on AMI, but saying we are going to be now
9 focused -- laser light focused on this aspect,
10 which I think is very important.

11 Scott, you look like you want to say something?

12 CHAIR ZIBELMAN: You know, I
13 think --.

14 COMMISSIONER BURMAN: No? Okay.

15 CHAIR ZIBELMAN: I think --

16 MS. HARRIMAN: I just want to --

17 CHAIR ZIBELMAN: -- Kim can
18 respond to that. It's an important point and I
19 want to --.

20 MS. HARRIMAN: Yeah, so I want to
21 make a -- just a note that the order is read in --
22 in concert with the appendices to the order which
23 includes the JP and there's very specific language,
24 as John noted in his presentation. Or I think it
25 was Mike Twergo, that the October 15th or maybe

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2 earlier filing from the collaborative is for a
3 decision point by the Commission. So there is, you
4 know, contemplation in revenue requirement to cover
5 costs associated with both software and software --
6 forgot what term --

7 MR. TWERGO: Integration.

8 MS. HARRIMAN: -- integration.

9 So it's contemplated within the
10 revenue requirement, but it's not a green light,
11 per se. You have to file -- the collaborative will
12 file their report to the Commission, explain the
13 business case, provide more details around the
14 benefits associated with that. And the Commission,
15 should it choose to say no, or yes halfway, the
16 result of that action would be to, as Mike
17 indicated, have the company put on the books a
18 deferral amount representing what was not approved
19 as far as revenue requirement going forward
20 attributed to AMI.

21 So taken together as a whole, the
22 order and the appendices, I think provide a clear
23 record that the Commission will make a subsequent
24 decision and that the ultimate recovery of costs
25 associated with AMI will be -- will be determined

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2 by that decision.

3 COMMISSIONER BURMAN: Okay. And
4 I think that's also why -- you know, I -- I was
5 very happy to see that the folks involved in the
6 joint proposal were mindful of the fact that there
7 are other decision points that will come. And so,
8 you know, they weren't sort of looking at it in a
9 vacuum, but acknowledging that, hey, you know, we
10 are -- there are going to be other factors here,
11 you know, we have to look at, you know, deferred
12 costs from REV and other proceedings. And, you
13 know, that is also -- when I look at it, is
14 something that we, you know, as -- as decision
15 makers need to be careful of because when I go back
16 to the four standards, for each one, we need to
17 have some certainty.

18 So for the first one, the
19 consistency with the law, regulatory,
20 economic-social, environmental, State and
21 Commission policies, those things are not, you
22 know -- they are fluid right now. So the reality
23 is -- is that for all of these different prongs in
24 the four prongs is that there is fluidity in this.

25 And I want to be very careful

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2 But I do want to, you know, focus
3 people that, you know, my -- my silence on that
4 here does not mean that that is not something that
5 I think is very important for the Commission to
6 have, you know, oversight over in -- in a more
7 direct way.

8 And with the AMI projects with
9 the business plans as they interconnect with the
10 REV demonstration projects, it's very important
11 that people understand that while you have
12 discussions with Staff, it doesn't necessarily mean
13 that the Staff is speaking for the Commission.

14 And so I just want to reiterate
15 my, you know, all-in in terms of drilling down on
16 these items and making sure that we're all focused
17 on the same goal in getting to the end.

18 So thank you very much.

19 CHAIR ZIBELMAN: Thank you.

20 Commissioner Sayre, any comments?

21 COMMISSIONER SAYRE: I'd like to
22 echo Chair Zibelman's comments on advanced meters,
23 which is a hot button issue for me as well. I
24 confess to being a little bit skeptical that the
25 benefits exceed the costs in light of the

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2 experience in other states. But the potential for
3 benefits in terms of energy efficiency, outage
4 management, optional money saving, rate structures,
5 consumer information, and consumer engagement, all
6 these benefits are greater than they ever have been
7 before. And they're all fully consistent with our
8 goals in the REV proceeding.

9 I understand that a
10 quantification, particularly any kind of precise
11 quantification of the benefits of advanced meters,
12 is a lot harder than a quantification of costs. So
13 in light of that, I'm just hoping that the
14 collaborative will consider demonstration programs
15 and projects and phased implementations to see and
16 show if and how we can get a lot of value from this
17 investment.

18 CHAIR ZIBELMAN: Thank you.

19 Commissioner Acampora?

20 COMMISSIONER ACAMPORA: I think I
21 don't have much left to say after that, Gregg.

22 Ditto.

23 I think, again, this is a good
24 news story, an extension without having to go into
25 litigation. It works out well with keeping the

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2 rates flat in the Con Ed territory, something
3 that's important.

4 I think as we move ahead and I
5 know Commissioner Burman made her statements with
6 regard to the Commission staying on top of
7 everything. I kind of have a little bit different
8 opinion as far as if you're going to send out a
9 message and you want participation, sometimes
10 people feel that that regulatory claw will prohibit
11 some kind of what I think can be futuristic and
12 advanced thinking. And technology will be a
13 benefit to the state.

14 The Commission never gives up
15 their authority, but I think again my favorite word
16 always comes into play, flexibility. So I know
17 that the Staff is mindful of this, and I know the
18 Chair is certainly mindful of this.

19 So I think this particular item,
20 again, is another good news item that we've had on
21 the agenda today. And I thank everybody for the
22 work. I know there are a lot of parties involved
23 in this. And, yes, there's always some give and --
24 and take on this. But that's what consensus forms.

25 There has to be a give and take.

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2 would end up anyway.

3 I would definitely think that if
4 it was -- was a circumstance where you would have a
5 utility that had not been in for a rate proceeding
6 for a significant time, we would want to go through
7 the litigation process because litigation process
8 in itself can reveal issues that it's hard to do in
9 a collaborative or -- or settlement setting.

10 So I think, for my own purposes,
11 particularly when we have a rate case that was
12 after a -- a more recent rate case that -- that the
13 fact that we have a -- a JP and people took the
14 time to try to resolve things, I think is a -- is a
15 great thing. So I applaud people in that.

16 With that, let me move to a vote.
17 All those in favor of the recommendation to
18 accept -- adopt the terms of the joint proposal,
19 extending the current electric rate plan of Con
20 Edison for a third rate year, as described, please
21 indicate by say aye.

22 COMMISSIONERS: Aye.

23 COMMISSIONER BURMAN: Aye based
24 on my concurrence.

25 CHAIR ZIBELMAN: Thank you. And

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2 so aye with Commissioner Burman's concurrence, the
3 recommendations are adopted. So thank you very
4 much.

5 Are you all still good?

6 (Off-the-record discussion)

7 CHAIR ZIBELMAN: So, the next
8 item in front of the Commission is Item 201, which
9 is Case 14-E-0318. It's the Electric and Gas
10 Service Plan for Central Hudson Gas and Electric.

11 Ben Wiles is the administrative
12 Law judge who's presenting that. Scott Weiner,
13 who's the Deputy of Markets and Innovation, is also
14 here, as well as Joe Lochner and Kim Harriman, to
15 discuss any matters and -- as well as LuAnn
16 Scherer, who's here to help.

17 Ben, go ahead.

18 A.L.J. WILES: Thank you, Chair
19 and other Commissioners. Good -- good afternoon.

20 This is the Central -- 2 cases,
21 actually. Central Hudson Rate Cases, one is an
22 electric case, one a gas case, prosecuted
23 coincidentally.

24 The -- can I have the first
25 slide?

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2 I found -- I've found in the
3 past, sometimes I have to swallow this mic. It's
4 just a -- it's a little intimidating at this level.

5 CHAIR ZIBELMAN: Well, you -- you
6 speak low and I'm getting old, so --.

7 (Off-the-record discussion)

8 A.L.J. WILES: Who participated
9 in this -- in the joint proposal? Obviously
10 company and Staff. The next 4 were -- well, all
11 but one were -- well, they are were signers and
12 they also submitted statements in support.

13 UIU, Con Ed Solutions and Solar
14 City did not sign the April -- the final joint
15 proposal, but they submitted -- or at least Con Ed
16 Solutions and Solar City submitted statements in
17 support.

18 The CLP that you see in the slide
19 is Citizens for Local Power. They were, in the
20 proceeding, and very present, and very active and
21 very, I think, made great -- contributed a great
22 deal to the process. They're located mostly on the
23 western side of the Hudson River and they have
24 participated in early -- other, in earlier in
25 Central Hudson proceedings.

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2 CLP and NRG were not -- submitted
3 comments on the joint proposal, in some respects
4 pretty comprehensive comments, but they did not
5 want to be recorded as in opposing the approval of
6 the joint proposal or the joint proposal and so
7 they -- there are no opposers, it's -- to the joint
8 proposal that was submitted.

9 So what -- essentially what was
10 achieved? Let's -- you're already there. Good.

11 There's several ways to look at
12 the result of a -- of a rate plan and I'm going to
13 go through a few of them here. And the first
14 question is how much was the revenue? What -- what
15 happened to the revenue requirement?

16 In this case, the process was
17 started with a rate case filing by Central Hudson,
18 a single 1-year rate case filing. And Central
19 Hudson sought an increase of 40 million dollars on
20 the electric side and almost 6 million dollars on
21 the gas side.

22 The point of reference here might
23 be -- is probably to Staff's case, which was filed
24 in the case and they sought a revenue increase --
25 or recommended a revenue increase of 12.9 million

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2 dollars electric, 1.79 million in gas.

3 There are many differences
4 between the 2 rate plans, apart from this --
5 these -- the apparent difference between -- between
6 these 2 numbers. One of them includes -- included
7 in base rates, the -- the cost of the energy
8 efficiency programs and the other did not. Just --
9 so there are lots of differences, but there's a
10 good -- this -- these -- this comparison is a good
11 point of reference, at least to begin to understand
12 where this might end up.

13 Next slide. This is where it
14 would have ended up, or it's like the -- the last
15 weigh station before the final and this is the
16 final that was recommended -- this was the revenue
17 that was recommended in the final joint proposal.
18 Where you -- the -- the final joint proposal was a
19 3-year plan and each year of the 3-year plan, there
20 would be a recommended increase of about 15 million
21 dollars.

22 On the electric side, it's more
23 variable. On the gas side, I say this is not the
24 final slide because the company had accumulated a
25 net amount of bill credits or -- or a net -- a net

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2 amount for the benefit of ratepayers that could be
3 turned into bill credits or used in other ways.

4 The amounts of the bill credits that the company
5 reported as of June 26th, that was when they filed
6 they're case, is 46 million dollars electric, 5.1
7 million dollars in gas.

8 And I think you'll see, as we get
9 a little more into description here that it would
10 be -- it turned out to be a major initiative or a
11 major objective of the signers of the joint
12 proposal -- or many of the signers of the joint
13 proposal to reduce the amount of -- of net revenue
14 deferred for the benefit of ratepayers, reduce the
15 amount of that from what it was to some lower
16 number and get the -- get that money to -- to
17 ratepayers.

18 Let's try the next slide. Right.
19 The next slide here is showing us what actually
20 happens as a result of using -- no. Well, what the
21 proposal was for each year, how much in rate of
22 these bill credits should be used in each year. It
23 comes to a -- the total comes out to be about 27
24 million, which is about half of what the company
25 reported it would have.

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2 Next slide. This is a slide that
3 shows actual revenue increases as a result of the
4 bill credits and as -- of the underlying rate case
5 and litigation. It's a -- a very complicated slide
6 and it's -- it really can't -- probably better to
7 take it step by step at some time when you have
8 time to think about it.

9 The top numbers in each -- each
10 cell are the amount of the revenue increase. The
11 text in the parentheses is trying to describe how
12 that number was derived, taking account of what
13 would have been the -- about 15 million dollars of
14 revenue increase without the bill credits, and
15 whatever the amount of the bill credits was, and
16 netting it all out to get to the top number.

17 So, just to make it very clear,
18 the top number in each of the columns on the
19 electric side is a recommendation for revenue
20 increases in that year of. In the first year, 2.36
21 million -- 2.46 million. In the second year, 16 --
22 almost 17 million, and in the third year, 24
23 million.

24 The caution I would urge is that
25 the 24.1 million seems like a big number, but it's

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2 big because the preceding numbers are small. It
3 really delivers the level of rates that would've
4 occurred -- or close to the level of rates that
5 would have occurred had they gone -- had they not
6 used bill credits at all.

7 So if those are the revenue
8 increases, the next point to be -- is what are the
9 bill impacts. And there are 3 -- I think I have 3
10 slides that talk about this. The first is bill
11 impacts based on the dollars. What's the --
12 what -- what dollar increase is the average
13 customer going to see in their bill? And in the
14 second one, which we don't go to yet, will be what
15 is the bill impact as a percent of the total bill?
16 Not in dollars but as a percent. And the third one
17 will be what's the bill impact of the rate increase
18 on the delivery portion of the bill, taken as a
19 percent?

20 All 3 of these are a different
21 way of looking at the same result and evaluating it
22 from slightly different perspectives. Obviously
23 the first one is this is -- this is the customer
24 talking. What are my dollars going to be? What --
25 what am I going to have to pay somebody for

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2 therm gas charges, the variable delivery rate, and
3 the fixed delivery rate.

4 The result of doing that is in
5 the second bullet where the customer charge, for
6 example, in the third year of the rate plan would
7 be 29 dollars versus the customer charge today,
8 which is 24 dollars. That's for the residential
9 customer. I'm only talking about -- yeah, that's
10 the residential customer. The second part of that
11 bullet is the small commercial customer, electric.

12 The -- the -- this recommendation
13 was made in the joint proposal for all -- all
14 classes of customers, in both electric and in gas.
15 The -- seem -- considering that proposal, but also
16 considering beyond the 4 corners of the -- of the
17 specific proposal, the fact that the residential
18 and small commercial electric rates are likely to
19 be examined more closely as a result of the
20 REV-2 -- the REV Track 2, and that in other cases,
21 Staff has taken the position that the -- a -- a
22 change in the customer charge should await the
23 resolution of the policy, whatever it may choose --
24 turn out to be. The resolution of the policy, or a
25 clarification of the policy, or a consideration of

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2 begin with. There are 3 things in which I think
3 should be mentioned as -- what might be called rate
4 drivers or drivers in a case.

5 They -- the first one is net plan
6 revenue requirement. This is what happens in every
7 rate case, where the company, which has made
8 capital investments prior to that, which are not
9 yet reflected in base rates, I think the verb we'd
10 tend to use is moves those charges into base rates.
11 And in this case, the rate plan we're considering
12 follows a 2-year rate freeze that was imposed as
13 a -- as a part of the acquisition order in the
14 Fortis cases.

15 So it's been 2 years, plus
16 preceding 3 years before that, which was a 3-year
17 rate plan, for the company to accumulate capital
18 charges outside -- but outside of rate base, but
19 they would probably want to move them into rate
20 base, when the new rate plan is put in place.

21 In this case, the -- towards the
22 bottom shows you the dollar amounts that are
23 involved -- and those are revenue requirement
24 amounts, not the dollar amount of the capital
25 investment -- the dollar amounts that are involved

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2 by this -- by this introduction of net plan into --
3 into base rates. The most remarkable one is first
4 year -- rate year 1 is 19 million dollars. It's a
5 much larger number than I think we would expect
6 from a company the size of Central Hudson.

7 The next slide, I think, is --
8 this is a -- a -- just a little more detail on what
9 that -- what those capital investments were in the
10 preceding 2 years or -- or before. And they are
11 pretty conventional investments that we would
12 expect the utility to make in their -- in their
13 capital plan.

14 Okay. The second driver is
15 property taxes. There's nothing remarkable about
16 this story. It's something that is going on in
17 Hudson Valley and for many utilities throughout the
18 state. Part -- the only point I -- additional
19 point I can make is that in some respects it's --
20 it -- there's a -- a cross-talk or a crosswalk
21 between the slide just before this and this slide
22 because, as the company makes capital investments,
23 whether they're in rate base or not, they make
24 capital investments, they result in increased
25 assessment. And the increased assessment results

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2 form of annuity that's making a monthly check --
3 providing them with a monthly check. Having the
4 bill match up with the same monthly period, the
5 same monthly schedule is helpful and they can
6 achieve this -- monthly billing achieves this best.

7 The next item is -- there's a
8 extensive -- large number of provisions -- detailed
9 provisions about a -- providing a greater incentive
10 for the company, both a positive and a negative
11 incentive, for the company to expand gas service.
12 It really means expand the number of customers
13 who -- of -- of gas customers they have.

14 We put the top numbers up there.
15 There are 255,000 electric customers and only
16 69,000 gas customers. So, there's a good -- good
17 distance to go -- or there should be a good
18 distance to go in this service territory. The goal
19 in the case is to increase the number of gas
20 customers by 5,000 residential and 3800-plus
21 commercial.

22 There's an annual incentive and
23 there is a -- it's a PRA and -- these slides
24 anyways, there's a positive revenue adjustment.
25 It's one -- basis points per 2,000 customers

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2 forecast, so -- the next one. Good.

3 Leak-prone pipe, the company had
4 a program and it has -- has a program to replace
5 leak -- leak-prone pipe, but the target they were
6 working off of was not a mileage estimate of the
7 amount of leak-prone pipe that's replaced, but a
8 dollar estimate of what they have spent on the
9 replacement of leak-prone pipe.

10 And the joint proposal recommends
11 that we shouldn't be using a dollar amount, but we
12 should use a mileage amount. And the parties to
13 the joint proposal agreed that they would expand --
14 they would establish this as a 13 miles, 14 miles,
15 and 15 miles over the 3 years of the rate plan.
16 That actually compares to an average of about -- a
17 little under 7 miles per year that -- in -- as of
18 today -- you know, as of -- at -- at -- that's the
19 existing number.

20 The -- there also are incentives
21 here -- disincentives and incentives. The
22 disincentive is the 8 basis points. If they don't
23 hit the 13, 14, and 15-mile targets, they lose --
24 it's a negative revenue adjustment of 8 basis
25 points. And in addition to that negative --

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2 negative revenue adjustment, there's a positive
3 revenue adjustment, if they exceed -- for each mile
4 that they exceed the target, they would be -- they
5 would receive 10 basis points.

6 Yeah, this is a -- the next
7 incentive -- the -- on -- the term of the incentive
8 is that they -- company has agreed to recognize a
9 threshold of 11,000 service terminations and that
10 they would endeavor to have fewer than 11,000. To
11 the extent they're successful in that -- meeting
12 that target, there's a positive revenue adjustment
13 of 5 basis points.

14 The 11,000 is about a 12 or --
15 12 -- 12.5 percent reduction from the historic
16 average over the last 4 -- 4 years. And I think
17 this is the only incident I know of in the state
18 where the -- a utility has adopted some measurement
19 of how efficiently they're going to be using the
20 service termination.

21 Service termination's kind of
22 interesting thing because it's a very powerful tool
23 to get somebody to pay their bill, until you
24 actually use it. And then you don't have a
25 customer and you don't have the revenue either.

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2 The next is same day
3 reconnection. This is -- there are no revenue
4 adjustments associated with this, but there's a
5 representation by the company that they are to use
6 best efforts to reconnect customers who have lost
7 service, at least 80 percent of the time. There's
8 a benefit, obviously, to a prompt reconnection.
9 There's also an incentive to customers who have
10 lost service. If they can be reconnected the same
11 day, there's an incentive for them to do what needs
12 to be done to accomplish that.

13 And the benefit, I think in
14 general, is going to be that they -- the company
15 will have to start collecting data about who's --
16 when -- when these disconnects occur and what
17 measures they've taken to try and achieve the
18 80-percent goal.

19 Now, for the portion of the joint
20 proposal that addresses -- or it is related to the
21 REV, I think the -- Scott is going to talk about
22 that.

23 MR. WEINER: Thank you, Ben.

24 CHAIR ZIBELMAN: Welcome, Scott.

25 MR. WEINER: Thank you, everyone.

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2 more will be said by REV demonstration projects,
3 but emanating even back to your resolution in
4 December of last year, these projects in this
5 initiative was recognized as an important step in
6 implementing REV policy initiatives.

7 They're going to provide
8 opportunities for early learning through focused
9 project and initiatives of a limited duration that
10 were cost contained. They're intended to invite
11 innovation. They're intended to inform decisions
12 with respect to developing the distributed system
13 platform functionalities and new utility business
14 models. And importantly, the demonstration
15 projects -- I should say REV demonstration
16 projects. It's a difference between the capital D
17 demonstration project and a lower D demonstration
18 projects.

19 The REV demonstration projects
20 specifically authorized by the Track 1 order are
21 intended as a means to present REV to customers,
22 engaging customer receptivity to REV technologies,
23 products, and services. And the experience from
24 all these projects will inform regulatory changes
25 and the most efficient means to integrate

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2 distributed energy resources on a larger scale.

3 Consistent with these purposes,
4 the Commission established a procedure based upon
5 and drawing upon well-established precedent of
6 having the Staff review filings for compliance with
7 the policies and guidelines articulated by the
8 Commission. And that process is set forth in
9 detail, as you know, in the Track 1 order and draws
10 upon the criteria established in the December 2014
11 resolution.

12 This procedure recognizes that
13 the REV demonstration projects are, in fact, target
14 initiatives, the size and scale of which are
15 limited by the order, warrant the kind of
16 expeditious, yet, thorough review process that's
17 anticipated.

18 The Track 1 order also provides
19 the foundation for our discussion of a -- the
20 non-wires alternative filing. Track 1 provided for
21 near-term implementation initiative, whereby
22 utilities were required to file information by May
23 1 regarding portions of their system that needed
24 upgrades and were likely candidates to a -- a
25 non-traditional REV-like non-wires alternative.

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2 These are viewed as an interim
3 filing prior to the initial distribution system
4 implementation plans that will be filed in January
5 of 2015. And each utility was asked to identify at
6 least one such potential project, including the
7 nature, scale, and timing of the need and the
8 geographic area affected and that that filing
9 provide enough specificity, most importantly, that
10 market participants would be able to consider the
11 development and proposals to respond to that
12 identified need.

13 Now, in the course of the Central
14 Hudson proceeding, a collaborative working group
15 was established to consider demonstration projects
16 which I would suggest with hindsight were both REV,
17 capital D, Demonstration projects as defined by the
18 Track 1 order and more generic demonstration
19 projects or pilot projects that one would think of
20 as an effort to test new ideas.

21 This working group was organized.
22 It's also important to note, as the judge noted
23 earlier that this case was filed approximately a
24 year ago. So a lot of work was taking place in the
25 generic demonstration concepts while we all, as

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2 of the Central Hudson collaborative, that while it
3 was -- certainly a lot of work went into it, quite
4 simply, it didn't meet the standards of either
5 information, or specificity, or business models
6 that was being anticipated for a REV demonstration
7 project, anticipated to be filed on July 1.

8 So, after consultation with both
9 the company and the members of the collaborative,
10 the company indicated in a letter, dated May 15,
11 that their report, filed 2 weeks earlier on May
12 1st, was really intended to be a status report,
13 rather than a final submission. And since that
14 report, Staff here has continued to work with the
15 company in helping to refine and mature those
16 concepts -- the demonstration project concepts into
17 one or more that could, in fact, be filed either on
18 July 1 or subsequent to July 1.

19 And it's against that background
20 that I now will turn with -- to the 2 specific
21 topics, which is a proposed non-wires alternative
22 project and the process for reviewing demonstration
23 projects -- REV demonstration projects.

24 First, as to the non-wires
25 alternative, in its May 1st filing -- in its May

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2 1st letter, the company proposed that 1 of the
3 projects included in that portfolio of 6, in fact,
4 satisfied the Commission's Track 1 order
5 requirement to file a non-wires alternative project
6 by -- excuse me -- May 1. And in fact, that
7 project that was identified was reviewed by Staff
8 and was determined that it did meet the criteria.
9 Excuse me.

10 So this begins to raise a
11 question about why a non-wires alternative is
12 different than a REV demonstration project. And
13 I'll just -- want to take 2 minutes on that.

14 The non-wires alternative project
15 is focused specifically on locational value. It
16 was intended to have each of the utilities be able
17 to produce one opportunity, where the marketplace
18 and the companies could begin to work together and
19 evaluate that opportunity. Whereas a REV
20 demonstration project, while it may reflect
21 locational values and it's one of the hypotheses
22 that we'd like to see explored in demonstration
23 project, also specifically call -- looks for new
24 pricing and rate designs, new business models,
25 including partnerships, business relationships with

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2 third parties. It looks to new market roles and
3 the like, which is why, in Track 1, the 2 were
4 called out separately.

5 So with respect to this specific
6 proposed non-wires alternative project that was
7 called out, the company purports and Staff agrees
8 that the project will allow the company to avoid
9 costs associated with transmission and distribution
10 infrastructure investment in 3 designated locations
11 that the distribution circuit, substations, and
12 transmission regions identified in the filing
13 anticipate infrastructure investment needs related
14 to expected load growth over the next 4 to 10
15 years. And with successful demand reduction
16 program, these investments may be deferred or
17 eliminated.

18 The planning to achieve these
19 load reductions such as this, at this point in
20 time, require a multi-year planning of T and D
21 infrastructure. Therefore, Staff recommends
22 approval of the NWA -- he NWA project as is
23 described in the May 1 report and as reflected in
24 the draft order.

25 Additionally, Staff recommends

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2 demonstration project and the approval for them, as
3 part of its May -- excuse me -- May 1st filing, the
4 company requests a clarification of provisions of
5 the Track 1 order, regarding the process, the grant
6 deferral, and cost recovery accounting treatment
7 for demonstration projects, and suggested that such
8 treatment begin when Staff provide written
9 authorization to proceed.

10 The Track 1 order established a
11 process, as I mentioned earlier, for utilities to
12 submit compliance filings to be reviewed by Staff
13 for consistency with the Commission guidelines and
14 requirements. The Track 1 order also permitted
15 utilities to defer until the next rate case, the
16 revenue requirement impacts of incremental costs of
17 the demonstration projects that are compliant with
18 the Track 1 order.

19 Central Hudson's request
20 anticipated a process that, in fact, was being
21 developed by Staff in anticipation of the July 1
22 filings. And Staff recommends and the draft order
23 reflects a memorialization of those processes as
24 part of this order. Specifically, Staff will be
25 providing a written determination letter to each

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2 we -- we ought to end up. And we had the benefit,
3 of course, of the judges, now the Staff, and now
4 ourselves, to be able to look over that record and
5 either confirm or do -- or not. So with that,
6 I'm -- I'm very comfortable that we have all the
7 information developed.

8 The other thing that I think I
9 wanted to make note of is on 2 pieces that -- that
10 Judge Wiles noted. One is the customer charge.
11 And I think this is an example where, during the
12 pendency of this case, Staff has begun to think
13 about the process moving forward, about what we're
14 going to do about customer charges. And as -- as
15 Judge Wiles noted, one of the recommendations here,
16 which I support, is that as we're starting to think
17 about rate design changes moving forward, this
18 Commission has had a traditional policy to think
19 about fixing a portion of the delivery charge
20 because they're long-run assets.

21 As we're looking more forward to
22 REV and ability of people to -- individuals as well
23 as commercial customers and small commercial
24 customers, we've had this with large commercial
25 customers for a while, is the ability to reduce

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2 one of your concerns, as well.

3 So, that's good. I'm also
4 pleased to see that we're moving to monthly
5 billing. I believe Central Hudson is the only
6 utility that is not on monthly billing today. Is
7 that correct?

8 A.L.J. WILES: Right.

9 CHAIR ZIBELMAN: Yeah. So I --
10 you know, that seems to me a reasonable thing to do
11 because not only do fixed-income or other types of
12 customers, have to do monthly bills, I think we
13 generally all think about things in a month period
14 and that, you know, maybe we may even move to more
15 rapid -- at least credits, but certainly monthly
16 billing seems reasonable.

17 And then lastly, the other part
18 of the case I think is worth no -- noting is the
19 acceleration of the gas pipeline expansion. And
20 I -- do you have a number in terms of if we put
21 this in place, what do we expect to see as an
22 outcome?

23 A.L.J. WILES: The -- the
24 company -- the estimated total for the company of
25 pipeline to be replaced is about 225,000 -- no --

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2 225 miles.

3 CHAIR ZIBELMAN: And how would
4 that accelerate -- Ms. -- maybe -- I think Michael,
5 I --.

6 MR. WORDEN: So -- so it would go
7 from a period of -- of 36 years, down to a period
8 of -- of about 16 years. So it'd cut it in more
9 than half.

10 CHAIR ZIBELMAN: Yeah. So that's
11 a very significant acceleration. And I think
12 that's -- that's great. That's -- that's terrific.

13 With that, I will turn it over
14 for other questions or comments, but I certainly
15 intend to vote for the JP. So thank you very much.

16 Why don't we start with
17 Commissioner Burman?

18 COMMISSIONER BURMAN: Thank you.

19 So I'm going to be -- to be
20 clear, before I talk, I'm going to be concurring in
21 part, dissenting in part, and abstaining in part.
22 So I'll try to keep it straight for folks.

23 Overall, I think this is
24 wonderful. I think Central Hudson and the
25 ratepayers in Central Hudson and folks that

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2 participated in this should be commended.

3 I do want to say a special thank
4 you to Ben Wiles. We went together -- or we met at
5 the public statement hearing. It was, if I'm
6 correct, your first time presiding. You did a
7 wonderful job. There was a little glitch on our
8 end, not on anyone else's end, in terms of the
9 location and the timing. And you were wonderful in
10 handling -- well me -- but in just -- in terms of
11 making sure that we really heard from everyone that
12 wanted to be heard and put into action plan. So,
13 it really was very good.

14 It was also good for me to be
15 there to hear directly from people in the
16 community. As -- as, you know, mentioned before,
17 Central Hudson does operate a little differently
18 from other utilities. I don't think that's
19 necessarily a negative. You know, so when I look
20 at it, I want to understand why. And overall, they
21 have seemed to have great outreach and great
22 customer service quality metrics they've met.

23 So I look at it and I say wow,
24 maybe we should start taking some of the lessons
25 that -- that they're doing that maybe are a little

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2 different, but understanding it's not an
3 apples-to-apples comparison, so we really have to
4 look at, you know, why -- what might work there,
5 might not work elsewhere.

6 So from my perspective, one of
7 the -- the things and I went through it, is there
8 are a lot of things in there that I, you know,
9 wholeheartedly agree with, the acceleration of
10 leak-prone pipe replacement, you know, looking at
11 gas expansion. All of these different things, I,
12 you know, I -- I am very much in support of.

13 However, it does go to my overall
14 concern about what comes first, the chicken or the
15 egg. And here, you know, the rate cases driving
16 the policy or the policy generic proceedings
17 driving the rate cases. Unlike the Con Ed
18 proposal, which was a 1-year extension, here we're
19 looking at a 3-year extension. It's appropriate
20 for that, but we're really looking at the end of
21 the cycle as June 30th, 2018.

22 And so when I look at that, I
23 realize that nothing -- there are going to be
24 things, and again, going back to the settlement
25 guidelines and the -- the review process on the 4

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2 prongs, things are going to be fluid and there are
3 going to be aspects of our open proceedings that
4 will dramatically affect positively and potentially
5 negatively in terms of cost drivers that will
6 affect Central Hudson customers.

7 So from my perspective, I want to
8 sort of see how does that fit and then, you know,
9 where -- we were potentially then looking at
10 deferrals until after 2018, into the next rate
11 case, which doesn't mean that that happens
12 immediately July 2018. It could get pushed out.
13 And you know, I'm cognizant of the fact that, you
14 know, many of us will not be here at that time
15 period.

16 So -- and -- and -- and so what
17 does that mean in terms of our eye on the ball for
18 now and the potential costs that we have to look at
19 that will affect all of us? And how do we do that
20 from a reasonable perspective?

21 I am concerned about the monthly
22 billing. I understand that, you know, for me, I --
23 I pay my bill monthly. But there are -- you know,
24 there is a -- a ongoing historical perspective in
25 the Central Hudson area, where they do not.

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2 When we look to some of these
3 things, you know, I -- I concur with the overall
4 item, but I abstain when it refers to -- and I
5 think there was a slide that referred to the change
6 in the E.E. budget set by REV. I -- I have been
7 very clear in the Clean Energy Fund proposal that,
8 you know, for me, it's looking at all of the
9 different buckets that we have and looking at our
10 different funding streams.

11 So when we talk about the energy
12 efficiency funding streams and some of the changes,
13 I -- I have previously abstained on voting until I
14 see the full range of it. And for me, that's
15 important because I still -- you know, that's still
16 an outstanding piece of the puzzle for me.

17 As to the -- the REV
18 demonstration projects, first of all, I thank Staff
19 very much for hearing my concerns internally and
20 making changes to the process on the REV
21 demonstration project and trying to establish more.

22 And if you could just pull up
23 slide 27, I'd appreciate that.

24 UNIDENTIFIED SPEAKER: I -- it
25 froze on me.

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2 COMMISSIONER BURMAN: All right.
3 I'm going to talk long so you'll have time to do
4 that.

5 So when I -- when I look at that,
6 my concern is that I thank you for how far you have
7 gone, but I don't think you've gone far enough.
8 This is not my sort of regulatory power grab or
9 regulatory claw. It -- it's not intended as that
10 at all.

11 It is so important and the REV
12 demonstration projects are considered one of the
13 central themes and central action points of the REV
14 process, that I really think that it's an
15 inappropriate delegation of authority for me to
16 give up the review of that. And it's not about
17 flexibility. I have as much flexibility as the
18 next person and, in fact, that should be what I
19 look to do as a regulator.

20 But it goes to accountability and
21 oversight. And my concern is that when we take it
22 outside of the Commission process, especially when
23 we're making major changes to our regulatory energy
24 system, my concern is that we may make missteps.

25 And I'd like to think that I

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2 actually add value to the process and add value to
3 the decision points. And I don't think it's --
4 it's fair to then put that upon Staff to make
5 decisions, especially because then it's -- you
6 know, it -- the only thing I see is the last piece
7 is notice to the Commission and annual reports.

8 And I think, Scott, your comment
9 was that it allows the Commission to make their own
10 assessment. And that is true. We can look at
11 these, sort of, compliance filings and make our own
12 assessment, based on the notice that was provided
13 from the public filing and the annual reports.

14 MR. WEINER: Quarterly reports.

15 COMMISSIONER BURMAN: But
16 there's --.

17 MR. WEINER: Sorry. Just to be
18 clear, the -- they'll be quarterly reports,
19 after --

20 COMMISSIONER BURMAN: Quarterly.

21 MR. WEINER: -- the initial --.

22 COMMISSIONER BURMAN: Sorry.

23 MR. WEINER: Yeah.

24 COMMISSIONER BURMAN: Thank you.

25 But my concern is that there's no

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2 vehicle for the Commission as a whole, to formerly
3 say yay, or nay, or to add guide points to that.

4 You mentioned, Scott, that after
5 the February 26, 2015 order, that Staff worked with
6 the parties to make refinements to what was deemed
7 to be a non-wires alternative, versus a REV
8 demonstration project. And I look at that and I
9 say I don't know, I think that's good, but maybe
10 that's where the Commission needs to say yes, your
11 refinements are appropriate, as a whole, not just
12 in this specific rate case.

13 And also, when I look at it, what
14 I want to make sure is -- and I very fully much buy
15 into the -- the overall vision and the goal. So,
16 make no mistake --

17 MR. WEINER: Uh-huh.

18 COMMISSIONER BURMAN: -- I am all
19 in with that.

20 My concern is -- is that I am
21 wanting to be all in and have some actual tangible
22 input into the decisions, versus just getting
23 notice and the quarterly reports, without an
24 opportunity to actually vote on it.

25 And so from -- from my

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2 perspective, it is not to slow down the process.
3 We are being asked today to decide on the non-wires
4 alternative for Central Hudson. I believe all the
5 non-wire alternative projects for each utility have
6 been filed as of May 1st. There is nothing in this
7 item that actually delves down and does a deep dive
8 into, overall, the holistic approach of each
9 non-wires alternative for each utility.

10 I understand it's the Central
11 Hudson rate case. My concern is, though, that when
12 we talk in other items about the necessity for
13 standardization and -- and looking at having, you
14 know, everybody doing similar things, my concern is
15 that how can we fully evaluate the non-wires
16 alternative to Central Hudson, without having a
17 flavor for what the other utilities are doing.

18 Now in one case of this -- of the
19 Central Hudson order, we're saying Central Hudson
20 is not following the same major storm reserves and
21 the -- the monthly billing, as do other -- other
22 utilities. And on the other hand, we're saying
23 they presented it and -- kudos to Central Hudson.
24 I think they should be absolutely commended for
25 stepping up and putting forth 6 potential REV

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2 demonstration projects, one we deemed to be
3 potentially the non-wires alternative, but that
4 we're not necessarily now looking holistically at
5 all of the utilities.

6 And I understand, Central Hudson
7 rate case is before us, there's not going to be
8 a -- you know, an easy match-up, but we do have --
9 as of May 1st, we do have all the non-wire
10 alternative projects.

11 Now are there any of those that
12 we might see July 1st? And we don't know this
13 unless we have a crystal ball, that we might see
14 come out July 1st, that other utilities will say
15 this non-wires alternative is also a REV
16 demonstration project? It seems that we're making
17 refinements to what we perceive as potentially
18 and -- and REV demonstration projects.

19 And that's not necessarily bad. I don't disagree
20 with that because that comes with the flexibility.

21 But what I do want is the
22 opportunity as a decision maker, to make sure that
23 we aren't doing this without the oversight --
24 direct oversight of the Commission.

25 So as to the -- you know, and

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2 I -- I don't know how formerly it was, but I --
3 it -- I mean, it was a formal request, as to
4 Central Hudson for clarity as to the oversight role
5 of the Commission, in the REV demonstration
6 projects, I very much dissent in saying that the
7 Commission does not necessarily vote on the REV
8 demonstration projects.

9 I do appreciate that there's more
10 clarity now and I support that. But as I don't
11 think it goes far enough and I think it is a
12 inappropriate delegation of authority. And my
13 concern goes back to the financial community. And
14 it's very important that we -- and we have
15 historically cared about the financial health of
16 the utilities.

17 That goes directly to folks in --
18 in terms of the positive regulatory environment.
19 And my concern is that if we leave it just to Staff
20 and others, and the Commission, as an independent
21 body, does not get the opportunity to actually vote
22 on that in some fashion, I think that that is not
23 necessarily what I'm comfortable with, especially
24 because we have never done the REV demonstration
25 projects in this fashion, in this environment. And

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2 what I say? You know, I welcome that. But I --
3 I -- I do just want to recognize that, overall,
4 I'm -- I'm very supportive, but I have strong
5 concerns and my dissent in some of those will be
6 reflected.

7 MR. WEINER: Okay.

8 CHAIR ZIBELMAN: Before people
9 jump for their mics, let me -- I -- just a
10 couple -- a couple things I wanted to make sure
11 there was clarification on the record on.

12 One, LuAnn, on the -- on the
13 question on monthly billing, would you -- you know,
14 I just want to make sure we know what that -- you
15 know, where that emanates from and -- and the
16 issues with respect to that?

17 MS. SCHERER: So, first of all,
18 right now Central Hudson is billing a fair number
19 of customers monthly. All of their budget billing
20 customers are billed monthly and all of their --
21 most of their commercial customers are billed
22 monthly. So this -- this is going to provide the
23 rest of the residential customers the price signals
24 they need to, you know, react to increases in
25 commodity costs or whatever.

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2 You know, it -- it's -- we -- all
3 the water companies are monthly billing, so it's --
4 it's a pretty consistent practice with the rest of
5 the utilities.

6 They're not going to implement
7 monthly billing until the beginning of rate year 2.
8 So there is a process -- a year-long process to --
9 to get this right. And we'll work closely with the
10 company to make sure the customers get the
11 appropriate outreach.

12 CHAIR ZIBELMAN: So, thank you.

13 MS. SCHERER: You're welcome.

14 CHAIR ZIBELMAN: Thanks for --
15 thanks for the clarification.
16 Judge Wiles?

17 A.L.J. WILES: Yeah. I was just
18 going to say that I think -- well, monthly billing
19 at Central Hudson has been around forever. I mean
20 it's not as though it just came out of the air.
21 People have been talking about it -- in my
22 experience, which is pretty long, it has been
23 talked about every time somebody talks about a --
24 a --

25 CHAIR ZIBELMAN: That's a --

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2 A.L.J. WILES: -- a rate case.

3 CHAIR ZIBELMAN: -- that was my
4 understanding that this was not just a -- a Staff
5 issue. It's been a -- been --

6 A.L.J. WILES: Right.

7 CHAIR ZIBELMAN: -- a concern.

8 COMMISSIONER BURMAN: Can -- can
9 I ask --

10 CHAIR ZIBELMAN: What's the --?

11 COMMISSIONER BURMAN: -- for
12 clarification? Are the Citizens for Local Power,
13 are they supportive of doing this now?

14 A.L.J. WILES: They're --
15 they're -- the --.

16 COMMISSIONER BURMAN: I
17 understand they haven't submitted a formal
18 opposition, but are they supportive of doing this
19 now?

20 A.L.J. WILES: I'm trying to put
21 it exactly what they said. The -- they -- they
22 have no objection and, in fact, may even support
23 monthly billing, conceptually. They said it may be
24 that the best -- it -- it -- it -- it -- in their
25 view, it may be that the greatest benefits of

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2 monthly billing will come when REV is more fully
3 implemented.

4 And in -- that was their
5 position. And -- and I think the answer to that is
6 that because we may get a great benefit later
7 doesn't mean that we have to turn down a modest
8 benefit now.

9 COMMISSIONER BURMAN: But
10 Citizens for Local Power, who represent a specific
11 sector of the community and are actually directly
12 there, are concerned. Is that a fair statement?

13 A.L.J. WILES: Not about monthly
14 billing. They're concerned that we -- that the
15 Commission misapprehends how much value there would
16 be in the future from monthly billing.

17 COMMISSIONER BURMAN: Okay. Is
18 there any validity to that?

19 A.L.J. WILES: Well, I think --
20 we -- we -- I don't -- I can't --

21 CHAIR ZIBELMAN: I don't think --

22 A.L.J. WILES: -- I don't --.

23 CHAIR ZIBELMAN: -- I -- I think
24 that they're saying is that they don't think that
25 we fully understand. So I don't think --

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2 COMMISSIONER BURMAN: We probably
3 don't.

4 CHAIR ZIBELMAN: -- Mr. Wiles can
5 comment on what we understand.

6 I think from my perspective,
7 the -- the issue is there's an incremental benefit
8 now; there may be additional benefit if -- with --
9 if CLP moves forward with their project.

10 So that's -- and -- and I think
11 that's what -- what the -- your observation was.

12 A.L.J. WILES: Right.

13 COMMISSIONER BURMAN: Okay.

14 Thank you.

15 CHAIR ZIBELMAN: Thanks.

16 Kim --

17 COMMISSIONER ACAMPORA: Can --
18 can I --

19 CHAIR ZIBELMAN: -- do you want
20 to --?

21 COMMISSIONER ACAMPORA: -- just
22 piggy-back on that?

23 CHAIR ZIBELMAN: Yes. Sure.

24

25 COMMISSIONER ACAMPORA: With

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2 regard to that they were already doing monthly
3 billing in certain areas, will there be a cost
4 factor in moving it to completely monthly billing?
5 And what would that be?

6 A.L.J. WILES: Yeah. The -- yes,
7 there are costs and the costs are -- are about
8 under half a million dollars in the first year of
9 the rate plan, quite a bit more than a million
10 dollars in the second year, the year of
11 implementation, and then the third year, which I
12 guess would probably be a level, you -- you know,
13 it's an ongoing program at that point, I think it
14 was about a million dollars.

15 CHAIR ZIBELMAN: And the -- I
16 would think there's another piece here. Central
17 Hudson is also looking to implement an advanced
18 metering program, which is also going to affect how
19 it -- when it bills, et cetera, going --

20 A.L.J. WILES: Right.

21 CHAIR ZIBELMAN: -- forward. So,
22 I think it's a sort of a -- just a step in that --
23 in that direction.

24 Kim, do you want to address the
25 issue of delegation of authority?

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2 MS. HARRIMAN: Sure. I want it
3 just to be clear, because I -- I -- I think that
4 Scott hit it on its head in -- during his
5 introduction of the demo discussion item.

6 And that is the Commission, both
7 through the resolution and through the adoption of
8 the guidance and the resolution and the Track 1
9 order, specifically set forth the criteria in which
10 Staff would then have to evaluate any information
11 on demo projects to determine compliance. And
12 that -- that is -- and I -- I wouldn't call it an
13 inappropriate. You may feel that you want more
14 direct involvement in that, but it is not uncommon
15 for the Commission to establish in making and --
16 and deciding revenue requirement for a company, to
17 give latitude to its -- you know, to the Department
18 Staff to follow policies, regulations, rules of the
19 Commission, and to track how the company is
20 expending its funds throughout a rate plan.

21 It's not uncommon for example, an
22 RND, to be established budget, to have parameters
23 for that program, and to -- Staff to work to
24 monitor compliance of the company with respect to
25 that element of revenue requirement.

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2 And in the -- in the Track 1
3 order, there were parameters put out, both as far
4 as the range of cost possibility, as well as the
5 demo characteristics that would have to be seen.

6 I want to address one specific
7 question, Commissioner Burman, or statement that
8 you made. And that is concern that the Commission
9 wouldn't be able to respond. And I think that the
10 process that Scott has laid out is leading to an
11 opportunity for the Commission to respond in a
12 forward manner, at -- on the Commission's own
13 initiative and motion, if it chooses to, to
14 prospectively modify its guidance, to modify the
15 parameters of -- of the rate requirement for the
16 program.

17 And having it filed on DMM, as
18 far as the Staff's determination of compliance and
19 evaluation, again, it's not uncommon for other
20 Staff initiatives in -- in working on compliance
21 issues to do so. And parties will, I'm sure let us
22 know --

23 COMMISSIONER BURMAN: So, as a --

24 MS. HARRIMAN: -- let the
25 Commission know if there's concerns.

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2 COMMISSIONER BURMAN: -- as a
3 non-chair Commissioner, I can then formerly
4 initiate a process? I don't think so.

5 MS. HARRIMAN: I -- I -- having,
6 Commissioner, worked with you for a year and a half
7 now, I am confident that, as always, the insight
8 that you share with Staff on a regular basis,
9 outside of both formal and informal Commission -- I
10 mean, Department activities, that we will hear from
11 you in a clear manner as to any concerns you have
12 with respect to the demo projects and that, you
13 know, we will, you know, take that into advisement
14 with the chair who will determine for the
15 Commission, whether or not there needs to be a
16 motion on the Commission to reevaluate the program.

17 COMMISSIONER BURMAN: No, I
18 appreciate that. You know, I do -- I do think
19 and -- and I'm comfortable, you know, in my
20 position, it is, you know, in my opinion, a -- you
21 know, a delegation of authority that we -- is
22 really inappropriate.

23 And there are times that we do
24 delegate our authority. We do it in many, many
25 instances. However, this is so important and is

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2 With that, let me turn to
3 Commissioner Sayre. Do you have any comments?

4 COMMISSIONER SAYRE: I do think
5 that the public interest will be well served by
6 this settlement. I commend Staff and all the other
7 parties for their hard work and for fully
8 addressing very important issues that wouldn't
9 necessarily have come out of a traditional, fully
10 litigated case. And I commend Judge Wiles and
11 Scott for making sense of it all.

12 I do not have as much concern as
13 Commissioner Burman about not voting separately on
14 the details of the implementation projects. I
15 think that we have set sufficient guidelines in our
16 basic REV policy order and if things go off the
17 rails, we can't always jump in. And I think we'll
18 hear from the parties if things are going off the
19 rails, from the point of view of any interest
20 group.

21 So I really do feel that the --
22 the demonstration filings are really in the nature
23 of compliance filings, rather than something that
24 would set or -- or change a Commission policy
25 direction.

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2 CHAIR ZIBELMAN: Thank you,
3 Commissioner Sayre.

4 Commissioner Acampora?

5 COMMISSIONER ACAMPORA: I think
6 it's basically all been said. This was not an easy
7 case and, you know, I read through this thing a
8 million times.

9 I had some questions on the
10 monthly billing, but then it did come out about
11 that. This wasn't something new that was there.
12 That was basically my concern because we know in
13 another utility, that when they changed their
14 monthly -- they changed their whole process, it
15 became a huge and monumental problem.

16 So I -- I'm hoping that because
17 this has also been implemented to a certain extent,
18 it will be a seamless event that will happen. And
19 I agree monthly is the way to go, so it shouldn't
20 be the only company that doesn't have monthly
21 billing.

22 I think I stated before, you
23 know, if something's broke, we come back, we fix
24 it. Not a problem for me.

25 I just have a question of Doris,

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2 with regard to, you know, the street's thoughts on
3 a 3-year rate case and, you know, how the company
4 will be affected by what the street thinks.

5 MS. STOUT: Central Hudson's in a
6 unique position as a subsidiary of Fortis. So I
7 don't think the street pays as close attention to
8 Central Hudson --

9 COMMISSIONER ACAMPORA: Uh-huh.

10 MS. STOUT: -- as -- as it might
11 have in the past. But in general, I think both the
12 rating agencies and the equity analysts view
13 multi-year settlements that we enter into favorable
14 because they remove some of the regulatory
15 uncertainty.

16 And in this instance,
17 specifically for Central Hudson, you -- you're
18 providing the utility with a known stream of rate
19 relief over the next 3 years. And I think that's
20 important and it's, you know, part of our concept
21 of using fully forecasted test years to -- to, you
22 know, incorporate those expected changes in capital
23 investment and operating expenses over those 3
24 years. That's -- that's viewed very favorably by
25 both the equity and debt investors.

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2 COMMISSIONER ACAMPORA: And the
3 utilization of the bill credits?

4 MS. STOUT: In -- in -- the --
5 the bill credits are like a -- from -- from the
6 investor standpoint, it's a non-cash item, so it's
7 kind of hard to -- you know, I think they would --
8 ultimately they'd prefer cash relief but --

9 COMMISSIONER ACAMPORA: Uh-huh.

10 MS. STOUT: -- it -- it does
11 clean up the balance sheet over -- over time. And
12 I -- I think that's a -- a -- a fair approach that
13 the -- this JP has taken to apply the -- the bill
14 credits in the manner that it has.

15 COMMISSIONER ACAMPORA: Right.
16 And -- and Ben, are there any significant changes
17 at all to the low income?

18 A.L.J. WILES: Well -- excuse me.
19 The most significant changes is the company's
20 now -- they have an -- a revenue adjustment based
21 on the number of terminations. The underlying
22 programs, the EPOP program and the other program,
23 are I think identical or no significant change.

24 COMMISSIONER ACAMPORA: Okay.

25 A.L.J. WILES: Either as to the

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2 structure of the program or as to the amount of the
3 benefit, that's -- remains to be seen.

4 COMMISSIONER ACAMPORA: Well,
5 thanks to everyone, Staff, and all the interested
6 parties that came together. And we appreciate the
7 effort and, you know, it's always hard. That's an
8 area of Central Hudson that has a lot of economic
9 problems there. And so anytime you're approving a
10 rate case with a increase, it's difficult to do,
11 but you know, there has to be the balance as we
12 look forward down the road. So I thank you all
13 very much.

14 CHAIR ZIBELMAN: Thank you.

15 And it is my mindful -- I mean
16 our job is to make sure that utilities have
17 sufficient capital to run their business and
18 attract capital at an efficient rate and we're
19 always very, you know, concerned about having to
20 increase the burden on consumers, but we also
21 recognize that we can't run the system effectively
22 without sufficient revenue.

23 So thank you for everyone's work.

24 With that, I just have one -- one observation,
25 actually, I can't resist. I do think, Ben, that in

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2 Long Island, we have a -- now an analogous
3 incentive associated with termination.

4 So, LuAnn, I think it will be a
5 good thing for -- for you to take a look at how
6 effective this incentive is relative --

7 MS. SCHERER: Uh-huh.

8 CHAIR ZIBELMAN: -- to reducing
9 the amount of terminations. It's a -- it's in the
10 OSA, but it -- so we now have 2 utilities that have
11 analogous type incentives.

12 COMMISSIONER BURMAN: Are we
13 looking at that in terms of the low-income
14 proceeding?

15 CHAIR ZIBELMAN: We're also -- we
16 do have an element in the low-income. You're
17 correct.

18 COMMISSIONER BURMAN: Okay.

19 CHAIR ZIBELMAN: Where we're
20 taking a look at, you know, practices that may
21 encourage or discourage early terminations.

22 So with that, let me -- let's
23 move to a vote. And I appreciate everyone's
24 comments.

25 All those in favor of the

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2 adoption of the 3-year rate plan for electric and
3 gas service for Central Hudson, as described, with
4 the notations made by Commissioner Burman on both
5 concurrence and dissent, please indicate by saying
6 aye.

7 COMMISSIONER BURMAN: I --

8 COMMISSIONERS: Aye.

9 COMMISSIONER BURMAN: -- I concur
10 in the overall adopting the joint proposal to
11 extend the electric rate plan. I abstain as it
12 applies to the energy efficiency budget set by REV
13 and other aspects of -- related to that. And I
14 dissent as it applies to the REV demonstration
15 projects.

16 And my abstentions and dissent
17 are without prejudice for raising these issues in
18 other rate cases and on the petition for a hearing
19 for REV.

20 CHAIR ZIBELMAN: Okay. So with
21 that, the -- there's a 3-vote majority in approving
22 the proposal and the recommendations are adopted.

23 Mr. Addepalli?

24 MR. ADDEPALLI: Yeah. In
25 addition to thanking the Staff team chair, I wanted

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2 to acknowledge the role of Mike Worden in this
3 case. He was the exhibited sponsor. He helped
4 pull this case together for Staff over the last 10
5 months, although he didn't say anything here today.

6 CHAIR ZIBELMAN: Thank you. Duly
7 noted. Thank you. And that's -- that's absolutely
8 the case.

9 Okay. So the -- are we all
10 right? Do you need a break?

11 (Off-the-record discussion)

12 CHAIR ZIBELMAN: We have one more
13 item. We'll try to plow through it.

14 And Marco, you've been patient
15 and let's hope that you're quick.

16 MR. PADULA: Yeah. I -- can you
17 hear me? Can you --

18 CHAIR ZIBELMAN: Yes.

19 MR. PADULA: -- hear me.

20 CHAIR ZIBELMAN: Yeah. The next
21 item --

22 MR. PADULA: Hello?

23 CHAIR ZIBELMAN: -- in front of
24 us --.

25 MR. PADULA: Can you hear me?

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2 CHAIR ZIBELMAN: While you're
3 fighting your mic, it's Item 303 and it's Case
4 Number 14 --

5 MR. PADULA: Hello. Okay.

6 CHAIR ZIBELMAN: -- E-0423, the
7 Dynamic Load Management Programs. And Marco
8 Padula, as Chief of Market Design, will be
9 presenting this.

10 Welcome, Marco.

11 MR. PADULA: Good afternoon,
12 Chair and Commissioners.

13 Item 303 relates to the
14 establishment of Dynamic Load Management, or DLM,
15 programs, in the service territories of Central
16 Hudson Gas and Electric, New York State Electric
17 and Gas, Niagara Mohawk Power Corporation,
18 Rochester Gas and Electric Corporation, and Orange
19 and Rockland Utilities.

20 On December 15th, 2014, the
21 Commission directed all electric distribution
22 utilities, without distribution level demand
23 response programs, to develop such programs to be
24 implemented for the summer of 2015. In that order,
25 the Commission provided guidelines to inform the

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2 utilities' drafting of the tariff filings.

3 These guidelines included 3 types
4 of DLM programs, one a peak shaving program,
5 referred to as the Commercial System Relief
6 Program, the second being a local distribution
7 system reliability program, referred to as the
8 Distribution Load Relief Program, or DLRP, and 3,
9 a -- a Direct Load Control program, or DLC.

10 Following the guidelines of the
11 order, Department of Public Service Staff convened
12 a series of stakeholder meetings regarding the
13 distribution level demand response tariff filings.
14 These meetings included presentations by Con Edison
15 on its existing demand response programs and
16 tariffs and presentations by Staff related to
17 program guidelines and the desired consistency
18 among the various utilities programs.

19 Parties were then provided with
20 an opportunity to submit comments on how the
21 statewide programs should be similar to or
22 different from the current Con Edison programs.
23 Taking those party comments into consideration, in
24 February, the utilities presented the first drafts
25 of their tariffs to stakeholders, which included Q

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2 We realize that -- that this year, summer 2015,
3 we're trying to get the programs up and running so
4 that this aspect of expansion, we're recommending
5 that that be pushed to 2016.

6 Require that all customers be
7 allowed to participate in the DLM programs,
8 regardless of hourly pricing status or
9 participation in the New York System Operators
10 Special Case Resource, Bulk-Level Reliability
11 Demand Response Programs.

12 It would require that NYSEG,
13 RG&E, and Central Hudson redesign their respective
14 commercial system relief program payment structures
15 to reflect the best available cost information for
16 summer 2015 and submit marginal cost studies for
17 use and development of the program payment
18 structures in the service territories for summer
19 2016.

20 The draft order requires
21 modification of the application and commencement
22 deadlines to allow customers to begin participating
23 in the programs on July 1st and also require
24 utilities to file annual reports after the end of
25 the 2015 summer capability period and annually

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2 afterwards.

3 Overall, these programs, if
4 adopted, would be the first step in addressing the
5 development of dynamic load management tariffs
6 across the state. It is expected that Department
7 of Public Service Staff will continue to facilitate
8 stakeholder discussions on developing innovative
9 DLM programs to address market needs, leverage the
10 resources that these programs will produce, and
11 complement other third-party product and service
12 offerings.

13 This concludes my presentation
14 and I'm available to answer any questions that you
15 may have.

16 CHAIR ZIBELMAN: Thank you.

17 So needless to say, I'm -- I'm
18 very excited and really pleased at the pace by
19 which people worked. I know that, you know,
20 there's a lot of effort going into this, a lot of
21 parties, a lot of thought moving forward.
22 The -- what we're really talking about, when we get
23 this done and it'd be a great thing, is that
24 anybody in any utility territory across the state
25 can go buy a smart thermostat and have a way of

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2 getting compensated for being able to manage their
3 usage during hot peak days.

4 It helps them reduce their cost
5 and it helps us reduce the peak. And getting that
6 done across the state and doing what we wanted to
7 do, which I think was making sure that you had very
8 uniform programs across each of the utilities,
9 is -- is a, you know, great element going forward
10 with this.

11 This is also going to help
12 commercial and -- and -- customers, who actually
13 have the distributed resources already and they're
14 able to be able to participate now, in both the
15 I.S.O. program, as well as utility program. So
16 again, you know, particularly for price-sensitive
17 customers, energy -- and high -- high-energy
18 consumers, this is a great step forward. And I
19 think that the genuine support that you saw out of
20 a -- a number of the representatives of these
21 groups, the aggregators, D.R. providers, in getting
22 this done really indicates, you know, how excited
23 people are.

24 And I've heard from a number of
25 these folks that they would love to see other

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2 states move forward in -- in a similar way. So
3 I -- I, you know, I think this is great time for
4 New York. We've been doing this in Con Ed's
5 territory. It -- and I know that it's going to
6 take an opportunity for this to grow and early days
7 may feel a little bit awkward. But you know, you
8 got to start sometime and I think starting this
9 summer and -- and going from there is -- is great.

10 I'm also -- agree that, you know,
11 we -- we really are talking about avoiding
12 distribution plants. And so I'm comfortable for
13 this year, for having the companies doing -- doing
14 embedded costs. But getting the marginal cost
15 information will be important for going forward.
16 And -- and that, you know, we also recognize, and I
17 think it's very clear in this -- in the -- in the
18 proposed order, that this is going to grow, just
19 like the markets grows, a lot of stuff we're going
20 to learn in REV is going to develop it, but what
21 this does is it really starts to get customers
22 engaged.

23 And I think the great thing is,
24 is to tell people you can get a check. So, not
25 only do you get a free thermostat from the utility,

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2 but you can get paid to do it. So, it's -- I think
3 it's a great story.

4 So, I'm very excited and
5 certainly intend to vote for the program -- or for
6 the proposed order.

7 Commissioner Acampora?

8 COMMISSIONER ACAMPORA: Well,
9 congratulations. This is a -- another good news
10 item. And I think it also bodes well as a
11 down-the-road good economic development tool to
12 attract more business and enhance business in New
13 York State. So I really am excited about it also
14 and favor it and will vote in favor of it today.

15 CHAIR ZIBELMAN: Commissioner
16 Sayre?

17 COMMISSIONER SAYRE: Just a
18 question, Marco.

19 Is -- is this completely
20 independent of the pending appeal of the FERC order
21 745, which -- which has thrown into question,
22 the -- the Federal Energy Regulatory Commission's
23 jurisdiction over demand response program, but this
24 is something we want to do on the distribution
25 network?

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2 MR. PADULA: The answer is yes
3 and if -- if Kim wants to give a legal answer --

4 MS. HARRIMAN: No.

5 MR. PADULA: -- I defer --

6 MS. HARRIMAN: No.

7 MR. PADULA: -- to her.

8 COMMISSIONER BURMAN: I just
9 want --

10 MR. PADULA: But the answer --

11 COMMISSIONER BURMAN: -- to say
12 he --

13 MR. PADULA: -- is yes --

14 COMMISSIONER BURMAN: -- stole --

15 MR. PADULA: -- it is
16 completely --

17 COMMISSIONER BURMAN: -- my
18 question.

19 MR. PADULA: -- independent.

20 CHAIR ZIBELMAN: I think -- I
21 think the -- I can tell you that 745 contemplated,
22 actually, that states could have their own
23 programs. But this program, by -- by design, is
24 complementary by to the ISO programs. So
25 regardless of what the Supreme Court rules,

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2 sometime, hopefully this month, we'll -- we're
3 in -- in good shape, in New York to make sure we
4 don't miss a step.

5 COMMISSIONER ACAMPORA: Yeah.

6 CHAIR ZIBELMAN: So Commissioner
7 Burman?

8 COMMISSIONER BURMAN: So, first
9 of all, kudos to folks on this item. I do want to
10 point out in our December 2014 order, we had a
11 footnote, I think footnote 3 -- 3, yes, which did
12 make sure that we were saying that this did not
13 affect the ISO programs and that we were looking at
14 something different.

15 We had historically, in the
16 state, had state retail demand response programs in
17 the Con Ed territory and this has not been, you
18 know, challenged in terms of doing that. And so
19 this is really looking to do something seamless and
20 take it across to other utilities.

21 I am going to concur in part and
22 dissent in part. And my -- my dissent is not
23 because I don't -- you know, I don't agree with
24 where we're going. The December 15th, 2014 order,
25 I did -- I did vote for. I did support it and it

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2 was at that time, looked to go towards the summer
3 2015 programs.

4 So my concern is that I do very
5 much want this to be successful. When I look at
6 this, my concern is -- is that we had -- and -- and
7 I've gone through. We have actually 7 case
8 numbers. The one is the 14-E-0423, which is the
9 generic proceeding. And then the others are for
10 each utility. And each utility was asked to submit
11 their tariffs and each of those, if I am correct,
12 were SAPA'd.

13 Is that correct? All right.

14 UNIDENTIFIED SPEAKER: Yes.

15 UNIDENTIFIED SPEAKER: Yes.

16 COMMISSIONER BURMAN: So I think
17 that that's very important. I think it's important
18 to establish the process that each were SAPA'd.
19 You know, my ongoing issue that the SAPAs are not
20 in the DMM, so people can't see it unless they go
21 to the State Register, continues to be there, so I
22 will say it publicly.

23 It would be great if we saw it in
24 --- in the actual cases, just so I don't have to
25 bother Staff to go get it for me. But it is

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2 again, it was not necessarily, you know, focused on
3 all of them together, but individually, and then
4 there was another round of changes to the tariffs.

5 And so what we're looking at now
6 is -- is -- we are in -- and I'm looking at Kim to
7 make sure that I'm accurately stating this and
8 it -- it -- it should be -- should be -- is that we
9 are, as a Commission, being asked to vote on the
10 tariffs with modifications to those tariffs. So
11 it's a second layer of potential modifications.

12 And that we would look to a
13 summer 2015 start date for these programs and then,
14 after that, the utilities would be submitting
15 implementation plans on what -- or petitions --
16 excuse me -- petitions on what they would do for
17 2016 because we anticipate that there would be
18 changes, maybe significant changes because this
19 really is sort of the -- the start-up version of
20 the demand response programs.

21 Is that an accurate statement?

22 I -- I'm not looking to --

23 MR. PADULA: No. So, I --

24 COMMISSIONER BURMAN: -- to

25 attack you.

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2 MR. PADULA: -- just want to
3 clarify a couple things you said.

4 COMMISSIONER BURMAN: Okay.
5 Thank you. I appreciate that.

6 MR. PADULA: The first being
7 that -- that first set of comments, when that first
8 set of comments came in, they were very
9 specifically geared toward how the programs that
10 the utilities are developing should be the same as
11 or different from Con Edison programs.

12 COMMISSIONER BURMAN: Okay.

13 MR. PADULA: There weren't any
14 draft tariffs at that time.

15 COMMISSIONER BURMAN: Okay.

16 MR. PADULA: It came after Con
17 Edison had made an extensive presentation to all of
18 the other utilities, describing in detail all the
19 programs that exist in Con Ed and all the
20 provisions and conditions and -- and a lot of the
21 history that went behind Con Edison's development
22 over the last 10 years.

23 So the utilities took -- the
24 utilities and parties took all that information
25 into play and had an opportunity to show each other

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2 how should these -- the programs being implemented
3 across the state be the same or different from Con
4 Ed.

5 COMMISSIONER BURMAN: Okay.

6 MR. PADULA: And many of them --
7 many of the comments stressed how good the Con
8 Edison Programs were and how they -- how they would
9 be a great platform for expansion across the state.

10 COMMISSIONER BURMAN: And -- and
11 the --.

12 MR. PADULA: The second thing --

13 COMMISSIONER BURMAN: Sorry.

14 MR. PADULA: -- that you talked
15 about were the filings that are expected to
16 effectuate changes in 2016. The draft order before
17 you has very specific recommendations and
18 requirements of the utilities for changes that are
19 to be made for 2016.

20 Those changes have to come in
21 through a petition, on or before -- I think it's
22 January 7th is how the draft order reads. So
23 that -- we'll -- we'll then have plenty of time to
24 get those in place for the 20 -- the summer 2016
25 period.

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2 COMMISSIONER BURMAN: Okay.

3 Thank you.

4 MR. PADULA: You're welcome.

5 COMMISSIONER BURMAN: And Con Ed,
6 over the years, has made tweaks to its demand
7 response program, with the oversight of the
8 Commission on that. Is that fair? I mean, it --
9 it's natural for potential changes to be made and
10 it's not static. There is some fluidity in that
11 and flexibility.

12 MR. PADULA: Yeah. Definitely
13 that's the case. Yeah.

14 COMMISSIONER BURMAN: All right.
15 So the -- the concern I have is really with the
16 summer 2015 program. And I understand, you know,
17 we're all very anxious to sort of get going, but
18 when I look -- and, you know, there -- there were,
19 probably at the stakeholder conference, maybe, you
20 know, 20 people represented various entities there.
21 And so there was -- you know, there was a number of
22 different folks who came to the stakeholder
23 conference.

24 You know, primarily, it seemed
25 like it was utilities, Staff and, you know, demand

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2 looking at it later, that the cost that we expended
3 and the resources that we had go into this really
4 is not necessarily, you know, good because at the
5 end of the day, not many customers were able to
6 participate, there was a lot of confusion,
7 utilities felt, especially because we're going to
8 have modifications to their tariffs, that we kind
9 of put this all on them and said go do it and you
10 got, you know, you -- you got to go now and here,
11 read it and -- and get it out there. And you know,
12 we're going to be looking at the process of putting
13 out tariffs and they're effective immediately or
14 one day after.

15 And I -- I just -- I -- my
16 concern and my dissent on this is that I do not
17 think that that's the way we should be operating in
18 a hurry up and get it done, without making sure
19 that we've got all our ducks in a row. And we've
20 had history where we have had times having to reset
21 things because we have tried to push it out and do
22 it without sort of a hey, let's just take it down,
23 take it slow and make sure we do it because,
24 frankly, 2016, people are going to start having to
25 file their petitions sooner rather than later.

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2 And maybe this is the opportunity
3 to have -- rather than rushing to do everything for
4 2015 and not have time to think about the 2016,
5 maybe it's an opportunity for us to say this is
6 what we're thinking, tell us what else, and add
7 more stuff, and it will give us a successful
8 program in 2016 that will actually be very
9 comprehensive and that we haven't spent front-end
10 costs to implement things that we already know are
11 not the full spectrum for 2015 and then we have to
12 spend more money to fix some of the things that
13 we've done in 2015 and we've left a lot of anger
14 and -- not only from the utilities feeling put
15 upon, but customers who are confused by all of
16 this.

17 COMMISSIONER BURMAN: So that's
18 really, you know --

19 CHAIR ZIBELMAN: So --

20 COMMISSIONER BURMAN: -- really
21 where I come from --

22 CHAIR ZIBELMAN: -- I -- I --

23 COMMISSIONER BURMAN: -- for that
24 perspective.

25 CHAIR ZIBELMAN: -- I appreciate

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2 to create more market dislocation. And then the
3 ability to gain ground and convince customers now
4 we're serious will be a problem.

5 So I -- I'm -- I'm very confident
6 that people will be prepared. I don't expect this
7 to happen as a big bang. It's going to be a growth
8 like any other market, but it -- it is important
9 that when we -- you know, that for the market, for
10 people who have been gearing up, hiring staff,
11 getting ready, for us to turn around and say no, I
12 think is actually more problematic.

13 So I -- I would continue to endorse that -- that
14 we move this forward.

15 COMMISSIONER BURMAN: So that --
16 that's very helpful. And I have perspective from
17 that, but that's also exactly my concern is that it
18 does take education of customers and it does take
19 time. And we really were asking everything to move
20 at lightning speed, without really sort of making
21 sure that we're all on the same page. And
22 utilities are still going to be -- have to look at
23 the modifications that we're doing and then making
24 determinations if that fits.

25 Are we anticipating that we're

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2 going to be SAPAing the -- the -- those
3 modifications to the tariff, so that if people
4 disagree or think that we've missed the boat on
5 some of this, that that would also be taken into
6 consideration?

7 MR. PADULA: Are you referring to
8 the compliance filings to --.

9 COMMISSIONER BURMAN: Kim, I
10 think Ted is looking --

11 MS. HARRIMAN: Well --

12 COMMISSIONER BURMAN: -- to
13 answer --.

14 MS. HARRIMAN: -- I think
15 there's -- well, there's 2 things. One is that
16 there are certain directives provided by the
17 Commission to the utilities with respect to their
18 individual tariffs and they're required to file
19 compliance tariffs. I'm not -- well, effective not
20 less than one day's notice. That won't be a -- a
21 document that's SAPA'd. That is --

22 COMMISSIONER BURMAN: Okay. I --

23 MS. HARRIMAN: -- a --

24 COMMISSIONER BURMAN: -- didn't
25 think so.

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2 MS. HARRIMAN: -- compliance
3 filing.

4 Any changes that come or proposed
5 or considered for 2016, that would be something
6 that would be a notice and comment process.

7 CHAIR ZIBELMAN: Those -- those
8 would be new changes.

9 MS. HARRIMAN: Yeah.

10 CHAIR ZIBELMAN: But just to be
11 clear, the -- the types of things that Staff is
12 looking for expansion is not radical changes to the
13 program. It's actually things we wanted to put in
14 place this summer and that we're saying okay, you
15 can't get it done this summer, get it done by next
16 summer.

17 So these are things that have
18 already been debated in the process and fairly much
19 agreed to as -- as good things to do.

20 I'm going to move to a vote --

21 COMMISSIONER BURMAN: But --
22 but -- but --

23 CHAIR ZIBELMAN: -- just
24 because --.

25 COMMISSIONER BURMAN: -- but

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2 before we do, I do have some questions that are
3 important for the vote.

4 What are the plans for
5 implementing the programs this summer? Who's in
6 charge of marketing those programs? And has there
7 already been outreach to the actual specific
8 customers and who are those customers?

9 MR. PADULA: Well, I can tell you
10 that, in discussions that I've had with
11 aggregators, they've already said that they've been
12 reaching out to customers ever since we -- we
13 put -- the Commission put the order out in
14 December. There have been customers that have been
15 asking for this type of program to be implemented
16 elsewhere.

17 COMMISSIONER BURMAN: But who's
18 in --

19 MR. PADULA: In addition --

20 COMMISSIONER BURMAN: -- charge
21 in --?

22 MR. PADULA: -- utilities have
23 been preparing for -- for the -- for the programs
24 to go in effect --

25 CHAIR ZIBELMAN: I think --

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2 MR. PADULA: -- as well.

3 CHAIR ZIBELMAN: -- Commissioner
4 Burman, your question is utilities have people in
5 charge of their -- of these programs, but again,
6 these are third parties, private companies who are
7 putting money at stake to attract customers into
8 these programs. And so they would be in a -- you
9 know, they have their various people that they
10 hire. It is --.

11 COMMISSIONER BURMAN: Okay. So
12 the marketing is done by third party providers,
13 not -- I just want to make sure I understand,
14 because you said, yourself, that the -- you know,
15 the customer engagement on this is critical and
16 that it does take time.

17 I'm just trying to be very clear
18 in my concerns or not, I am not against the
19 program. In fact, I -- I think the program is very
20 good. Con Ed has had a very successful demand
21 response program and I think we should look at
22 that.

23 My concern is -- is that I want
24 this to be as successful as possible. And if we're
25 already behind the 8-ball, then I'm concerned by

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2 that. So I don't know who the aggregators are. I
3 know who -- you know, I -- I can look at who came
4 to the stakeholder conferences and see, but that
5 doesn't give me comfort in then how does it work
6 and what's the responsibility. We had -- we had
7 other areas and other programs, where we expected
8 the utilities to --

9 CHAIR ZIBELMAN: I --

10 COMMISSIONER BURMAN: The market.

11 CHAIR ZIBELMAN: -- I --.

12 COMMISSIONER BURMAN: So is it
13 the expectation that the utilities defer to the
14 third-part providers or is the expectation that the
15 utilities who are being mandated to do this are the
16 ones who have to do the marketing? And has the
17 marketing already been done or is it going to be,
18 you know, dependent on which marketer -- which
19 aggregator, which I -- I am just concerned that
20 then there is even confusion, especially because
21 the utilities are going to be looking at, and
22 others, the modifications to their tariffs and
23 putting it in place.

24 So there needs to be an alignment
25 between everyone.

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2 CHAIR ZIBELMAN: So, I -- I
3 would -- I would dare say and I think we could take
4 more time on this off line because it might be
5 helpful, is that the -- the way the market works,
6 utilities will have some of their own marketing of
7 their programs to customers. And then third
8 parties, even retailers who -- who offer these
9 types of programs in other states, will be talking
10 to their customers. It'll be a number of various
11 actors who are trying to get there.

12 But I -- I just want to be really
13 clear about this because I don't want to suggest
14 we're setting people up to fail. The measure of
15 success this summer is getting it going and getting
16 some lessons learned and experience. This is not
17 going to be -- this is an evolutionary learning
18 process. It took Con Ed some while. I think the
19 changes that Con Ed's made in its tariffs have been
20 based on lessons learned and experience with the
21 market.

22 So -- so let's -- let's not imply
23 by, you know, the fact that people are not moving
24 as -- there's not a huge volume of uptake right
25 away, that somehow that's not working. People are

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2 going to learn from the summer -- I know when we
3 started the wholesale markets, you know, it took us
4 a couple of years to get it right and we kept
5 working it and working it.

6 But we wouldn't have been
7 successful if we didn't do it. That -- that was so
8 important and that's what I want to stress to you.

9 COMMISSIONER BURMAN: No, I
10 totally --

11 CHAIR ZIBELMAN: It's getting --

12 COMMISSIONER BURMAN: -- I
13 totally --

14 CHAIR ZIBELMAN: -- it's
15 getting --

16 COMMISSIONER BURMAN: --
17 understand --

18 CHAIR ZIBELMAN: -- that.

19 COMMISSIONER BURMAN: -- that.

20 CHAIR ZIBELMAN: And that's
21 why --.

22 COMMISSIONER BURMAN: But -- so
23 is the metric -- is the metric a zero-customer base
24 increase of -- what's the metric in terms of what's
25 successful?

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2 So, I understand getting it up
3 and running, but if no one -- if you don't -- I --
4 I just try -- I'm trying to understand what the
5 expectation is for summer of 2014 (sic) and what
6 the actual numbers would be. We're spending costs.
7 Utilities will be spending costs. Marketers will
8 be out there and they want customers. I get that.
9 But I want to make sure it's as successful as you
10 do. And that's why I'm asking the questions on
11 who's marketing, how does this work, how is it
12 getting set up, where do people go to it. And then
13 from the perspective of the actual, you know,
14 success of it, is now not dependent on the number
15 of --

16 CHAIR ZIBELMAN: But --

17 COMMISSIONER BURMAN: --
18 customers.

19 CHAIR ZIBELMAN: -- this -- this
20 is what I -- I would suggest. I -- I'd like to
21 take -- move to a vote. I think it would be
22 helpful for you to spend some time with marketers
23 to understand how they create metrics for
24 themselves because they're looking at market
25 penetration in order to figure out what they need

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2 to do to improve it.

3 Again, this is not the utilities
4 necessarily on their own, trying to get customers
5 signed up. It's third parties. And I think it's
6 going to be important that as we move forward in
7 developing these competitive markets, we start
8 understanding that we're not just putting this on
9 the utilities anymore. This is really third
10 parties putting their capital at risk, with every
11 incentive to make it as successful as possible
12 because they're spending their own money.

13 MR. PADULA: Right.

14 COMMISSIONER BURMAN: Exactly,
15 which is why I think it's very important and it's
16 not about me spending time with marketers alone to
17 figure out the market. I'm not a marketer. I do
18 care about the economic --

19 CHAIR ZIBELMAN: But --

20 COMMISSIONER BURMAN: --

21 development --

22 CHAIR ZIBELMAN: -- but --.

23 COMMISSIONER BURMAN: -- of New
24 York and I care about it working. And that's part
25 of the discussion, which I very much appreciate. I

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2 think we're on the same page with that. And
3 it's -- for me, is just making sure that we're all
4 on the same page and we're following it because it
5 is a public-private --

6 CHAIR ZIBELMAN: Right.

7 COMMISSIONER BURMAN: --
8 partnership here.

9 CHAIR ZIBELMAN: So, but let's --
10 I understand.

11 But let's -- let's -- let's move
12 to a vote because I think that, you know, we know
13 where you are and I just -- I'm sure we all sort of
14 want to move on for the day.

15 So with that, let me just take a
16 vote on Case Number 303, which is the Dynamic Load
17 Management Programs. And all those in favor of the
18 recommendation to approve, please indicate by
19 saying aye.

20 COMMISSIONERS: Aye.

21 CHAIR ZIBELMAN: Opposed?

22 COMMISSIONER BURMAN: I dissent
23 as to starting this in the summer of 2015. I
24 concur that we should be looking at doing this for
25 2016 and we should be starting now on that process.

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2 CHAIR ZIBELMAN: So hearing -- so
3 with one opposition for beginning the program, the
4 recommendation is adopted.

5 Okay. Now we're going to move to
6 the consent agenda. Do any of the Commissioners
7 want to recuse or abstain from any voting on the
8 consent agenda?

9 COMMISSIONER BURMAN: Yes, I do.
10 I just need to get my numbers here.

11 I'm going to be abstaining, based
12 on my prior discussions on other matters that have
13 been consistent, in terms of Item Number 270 and
14 Item Number 271, that we need to look at a full
15 comprehensive analysis of energy efficiency
16 programs, as well as low-income programs, and look
17 at how we're doing this for the future and make
18 determinations based on that with the whole gambit
19 of information. And because I don't feel I have
20 sufficient information, I'll be abstaining from
21 voting on Item 270 and 271.

22 Though I do understand the
23 importance of energy efficiency and taking care of
24 low-income customers and I fully intend my vote not
25 to be a -- in any way saying that I don't. In

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2 fact, I very much do. And we should be
3 holistically looking at all of these factors and
4 making sure that we are carefully analyzing that.

5 Thank you.

6 CHAIR ZIBELMAN: With that, all
7 those in favor of the recommendations of the
8 consent agenda with the items so noted by
9 Commissioner Burman, please indicate by saying aye.

10 COMMISSIONERS: Aye.

11 CHAIR ZIBELMAN: Opposed?

12 Hearing no opposition, other than
13 the 2 items noted by Commissioner Burman, the
14 recommendations are adopted.

15 Now, before we go, even though
16 it's 2:15, I do want to take a moment to note that
17 this is Chad Hume's last day at a Commission
18 session. Chad -- and he dressed appropriate --
19 he's already in the mode.

20 And, you know, if we've -- I've
21 had an opportunity to work with Chad over the last
22 several years. For someone who was not schooled in
23 telecommunications and in cable, he has been a -- a
24 great asset in terms of getting me to understand
25 the issues. He's -- this past year has done an

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2 incredible amount of work and -- around evaluating
3 the telecommunications industry, as well as the
4 cable industry and broadband industry.

5 And I think -- I know that we're
6 going to miss him quite a bit. He's really come
7 here from the industry, itself, and was able to add
8 a dimension that I think is always very, very
9 helpful to the Staff.

10 So, we wish Chad all the best and
11 I know that Commissioner Sayre also wants to make
12 some comments.

13 MR. SAYRE: I spent some years in
14 the telecommunications industry and I've known Chad
15 and his team for quite a long time. My standing
16 orders, when I was in the industry, from corporate
17 headquarters were generally stay away from Albany
18 at all costs and don't ask them for anything
19 because if you have to ask them for something,
20 you're probably going to get an answer that the
21 company isn't going to like very much. And other
22 companies felt the same way.

23 So, Chad, you should know that
24 your looming presence and your abilities have kept
25 the telephone industry on the straight and narrow

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2 telecom and cable, but you are also respected by
3 the people who have worked with you over these many
4 years. So, good luck to you.

5 COMMISSIONER BURMAN: Chad, I
6 just want to say you're a consummate professional.
7 I'm going to be deeply sad that you're leaving. I
8 am deeply sad.

9 I -- I've worked with you when I
10 was a staffer and now I've worked with you as a
11 Commissioner. I've never seen you raise your voice
12 and I've always seen you in a very good way,
13 explaining things and carefully analyzing. And
14 it's much, much appreciated by me and -- and
15 others. And I just thank you for your service.
16 And good luck and stay in touch.

17 MR. HUME: I want to thank you
18 for all your kind words, all your wishes for me to
19 collect a whole lot of checks. I'd like to do the
20 same.

21 It's been a great opportunity
22 here in New York. I've really enjoyed my time.
23 I've enjoyed working with various people in this
24 building and -- and the dedication that they all
25 had to get the job done. And I'll -- I'll take

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your words to heart. And thank you very much.

CHAIR ZIBELMAN: Okay. This is -- yeah, we all needed to stand.

Secretary Burgess, is there anything in front of us -- more in front of us today?

SECRETARY BURGESS: There's nothing else coming before you today and the next Commission meeting is July 16th, in New York City.

CHAIR ZIBELMAN: Okay. Thank you. Thank you all for your patience.

(The meeting concluded at 2:16 p.m.)

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STATE OF NEW YORK

I, Chris Manning, 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 201, is a true record of all proceedings had at the hearing to the best of our skill and ability.

IN WITNESS WHEREOF, I have hereunto subscribed my name, this the 23rd day of June, 2015.

Chris Manning, Reporter

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