

Public Service Commission Meeting - 11-16-2017

STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION

MEETING OF THE PUBLIC SERVICE COMMISSION

Thursday, November 16, 2017  
2:00 p.m.  
Three Empire State Plaza  
Agency Building 3, 19th Floor  
Albany, New York

COMMISSIONERS:

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

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2 CHAIRMAN RHODES: Good afternoon.

3 It's time and I'd like to call this session of  
4 the Public Service Commission to order.

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

7 MS. BURGESS: Good afternoon, Chair and  
8 Commissioners.

9 There are no changes to the final agenda.

10 CHAIRMAN RHODES: Thank you.

11 With that, let's move to the first item for  
12 discussion, which is Item 101, Case 17-G-0432 which is the  
13 petition of NYSEG for authorization to construct a natural gas  
14 compressor pilot project in Tompkins County, presented by Mike  
15 Rieder, Chief of Gas and Water Rates. Cindy McCarran, Deputy  
16 Director of Gas and Water, is available for -- for questions.

17 Mike, please begin.

18 MR. RIEDER: Good afternoon, Chair Rhodes,  
19 Deputy Commissioners. Item 101 addresses a petition filed by  
20 New York State Electric and Gas, seeking Commission  
21 authorization for proposed natural gas compressor pilot  
22 project in Tompkins County, New York. The draft order before  
23 you authorizes NYSEG to proceed with the pilot compressor  
24 project and to include the associated incurred capital costs  
25 in its rate base.

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2 However, the company's request to defer the  
3 incremental O&M cost associated with the pilot compressor  
4 project is denied because the expense forecasted to be  
5 incurred during the company's rate plan, will be immaterial.

6 In addition, by this order, NYSEG would be  
7 directed to issue a non-pipes alternative request for  
8 proposal, within thirty days to address the pending-gas  
9 demands in the Tompkins County area.

10 By way of background, NYSEG has experienced  
11 significant growth in natural-gas load in its Ithaca division  
12 in recent years. While the company has reinforced the system  
13 over the years, such work has reached some limitations and  
14 during peak-day Commission -- conditions, the north end of the  
15 distribution system serving the vicinity of Ithaca, primarily  
16 in the Town of Lansing, loses its -- loses its ability to  
17 maintain minimum acceptable pressures. Continued pressure  
18 drops can create safety and reliability issues, which may  
19 require curtailment of some firm natural gas customers.

20 To mitigate the system-pressure issues and  
21 ensure safe and reliable service to its customers, in February  
22 2015, NYSEG issued a moratorium, indicating that the company  
23 would be unable to accept any new applications for gas service  
24 in this area. Demand for new gas service has continued to  
25 grow and the low-pressure level issues on the existing system

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2 have continued since that time.

3 In 2016, NYSEG was authorized to proceed with  
4 the construction of a new eighteen point six million dollar,  
5 seven point four mile gas supply project, known as the  
6 Lansing-Freeville Reinforcement Pipeline -- Reinforcement  
7 Pipeline, to address the need for additional gas supply and  
8 pressure reinforcement, in the Town of Lansing. After  
9 numerous discussions over the past year, with various  
10 stakeholders in the affected area and Commission staff, NYSEG  
11 proposed the pilot compressor project and RFP process, to  
12 address the safety and reliability issues associated with the  
13 low pressure in the system and the increased demand of natural  
14 gas in the Lansing area.

15 A number of Tompkins County representatives  
16 have -- have expressed a strong desire to see non-pipes  
17 alternatives to the pipeline project to help meet Tompkins  
18 County's greenhouse-gas emission-reduction goals.

19 Under the proposal, NYSEG will install four  
20 electrically powered compressors, placed strategically within  
21 its gas-distribution system, to boost system pressures in  
22 stages, during peak-demand times. This is a unique approach  
23 to address the issue of gas-distribution system pressure  
24 drops, one which has not been previously tested in New York  
25 State. The company intends to have the project up and running

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2 in time for the 2018/2019 winter-heating season.

3 Completion of the pilot compressor project  
4 alone, will not eliminate the need for the moratorium on new  
5 gas connections currently placed in certain areas of Tompkins  
6 County, at is it -- as it is designed only to address current  
7 low-pressure issues on the system. To address the moratorium,  
8 NYSEG will begin exploring proposals, to address not only the  
9 current pressure reliability issues, but also to address the  
10 pending demands for the provision of gas service in the area  
11 for both existing, as well as for new customers.

12 Numerous residents of Tompkins County, as well  
13 as public officials submitted comments in this proceeding,  
14 expressing support for NYSEG's proposed pilot-compressor  
15 project in opposition to -- to traditional pipe solutions.  
16 The comments emphasized the need to curtail the reliance on  
17 fossil fuels and not invest in new infrastructure shut --  
18 infrastructure, such as the pipeline, that could become a  
19 stranded asset, but rather invest in energy efficiency and  
20 alternative-heating sources, such as air or ground source-heat  
21 pumps. Representatives from the Sierra Club, Environmental  
22 Defense Fund, and Tompkins County Area Development, also filed  
23 comments supporting the proposed pilot-compressor project.  
24 While most of the comments received were in support of the  
25 proposed compressor-con -- pilot project, the Lansing Town

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2   Supervisor criticized the proposal for failing to address the  
3   unsatisfied gas demand of current and new customers and the  
4   moratorium on new gas connections in the village and town of  
5   Lansing. The Town Supervisor reiterated his strong support  
6   for the pipeline project because Lansing has significant pent-  
7   up demand for development and housing and the proposed pilot-  
8   compressor project will not address the area's gas demand and  
9   future needs.

10                   Multiple Intervenors filed comments expressing  
11   general support for the company's petition for this particular  
12   non-pipe solution, but stated that it was concerned regarding  
13   the lack of a benefit-cost analysis in the filing. MI argues  
14   that non-pipes alternative should only be pursued if a  
15   benefit-cost analysis shows demonstrable benefits to customers  
16   and asks that such an analysis be performed for the non-pipes  
17   alternatives provided, in response to the RFP proposed by  
18   NYSEG.

19                   We believe that it is sensible for the company  
20   to test, in this pilot, whether such compression equipment can  
21   be used to address pressure drops within a gas-distribution  
22   system and whether such compression equipment will be  
23   supported by customers and stakeholders. This pilot project  
24   is a novel way of addressing pressure issues, without spending  
25   the significant capital investment, that the pipeline project

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2 would entail.

3 To address the concerns of the Lansing Town  
4 Supervisor, the company will be required to issue a non-pipe  
5 alternative RFP, to seek proposals to address not only the  
6 current pressure and reliability issues, but also to address  
7 the pending demands for the provision of gas service in the  
8 area, for both existing, as well as new customers.

9 To address the comments of MI regarding the  
10 benefit-cost analysis for the non-pipe solutions that may be  
11 proposed in the RFP, NYSEG is directed to perform such an  
12 analysis for each proposal, including those that are rejected,  
13 if any.

14 Thank you.

15 Cindy and I will be happy to answer any  
16 questions you may have.

17 CHAIRMAN RHODES: Thank you, Mike.

18 The item today, I think finds itself in support  
19 of the views of the local community that's keen to protect the  
20 environment and reduce the community's greenhouse gas  
21 emissions and also of the state's well-established  
22 environmental and economic goals. I think this innovative  
23 pilot project, to boost the gas distribution system's ability  
24 to maintain reliable supply without the need to build new gas  
25 pipe -- gas pipeline, can be an environmental and economic

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2 model and I'm fond -- very supportive.

3 Are there any comments or questions from my  
4 fellow Commissioners? Commissioner Sayre?

5 COMMISSIONER SAYRE: I'm voting in favor as  
6 well, but this decision did require some soul searching on my  
7 part.

8 The compressor stations should resolve the  
9 problem of -- of low pressure in the existing service area,  
10 but as Mike said, it won't bring -- these stations won't bring  
11 gas to areas in Lansing, where some people are asking for it.  
12 A pipeline would have solved both problems, but there are  
13 problems associated with the pipeline-siting, not the least of  
14 which is strong local opposition.

15 This case is really an example of how it's a  
16 good idea for people to get involved in our proceedings. It  
17 appears from the comments and the input that we've received,  
18 that the people in the area in question, mostly prefer the  
19 compressors over the pipeline. So, now that we know how the  
20 local affected people view the issues, that was a very  
21 substantial factor in my decision to approve the petition.

22 CHAIRMAN RHODES: Thank you.

23 Commissioner Burman?

24 COMMISSIONER BURMAN: Here, it does address an  
25 emerging reliability concern.

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2 One of the things that I do think that the  
3 order fails in, in that the order when it talks about Tompkins  
4 County area development, it states that Tompkins County is  
5 supportive of the natural-gas compressor pilot project, which  
6 I do think it is supportive, but it's supportive with  
7 conditions and caveats and I think that the order could have  
8 been more specific on the details of what the caveats were and  
9 it listed out that their concerns -- more specifically. In  
10 particular, in their concerns with the fact that some  
11 businesses were resorting to the use of propane as an  
12 alternative to natural gas because of the moratorium, to the  
13 extent that there was a length of time in completing the  
14 project and also being concerned about the reasonable and  
15 economical non-gas pipeline solution not being identified and  
16 needing to hurry up and address the issues.

17 I also do think that the order does not fully,  
18 accurately depict the Multiple Intervenors comments. While  
19 the Multiple Intervenors focused on the benefit-cost analysis,  
20 it actually went into a four-point analysis on the non-pipes  
21 alternative and I think the -- looking at the Multiple  
22 Intervenors analysis is really one that we might need to take  
23 a more holistic approach to.

24 In this case, the four-point analysis that the  
25 Multiple Intervenors looked at, met all four criteria, but I

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2    think the Multiple Intervenors analysis is saying non-pipes  
3    alternative needs to pass some threshold benefit-cost analysis  
4    economic tests and it's not enough that for each and every  
5    case, we go to non-pipes alternative as a go-to situation.  
6    That in fact, it is something that should be looked at  
7    carefully, but it may not be a be-all and end-all and we need  
8    to be very focused on where -- when it is appropriate and have  
9    some real clear guidelines and guideposts for what that is.

10                   In this case, the four conditions that Multiple  
11   Intervenors suggested and that met the case, were that the  
12   project -- one, that the project would address low pressures  
13   in the NYSEG's gas system in the region and therefore its  
14   implementation arguably is justified on reliability grounds  
15   alone.

16                   Two, at a projected cost of slightly less than  
17   four million, the project is significantly-less costly than  
18   other proposed pipeline projects. Three, there appears to be  
19   strong local support and four, successful implementation of  
20   the non-pipes alternative, potentially could result in carbon-  
21   emission reductions.

22                   So, it wasn't just a matter of the benefit cost  
23   analysis, it was a little deeper than that.

24                   And also, the criticism from the Lansing  
25   Supervisor was very detailed and very concerned for his

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2   community, especially because there was a very real concern  
3   about significant-reliability needs of the current gas  
4   customers in -- in Lansing and the demands of prospective  
5   customers who have already requested gas and expected new  
6   demand growth in the area. So, while there is significant  
7   interest for those in the surrounding community to not have  
8   gas, there is a competing interest and so for Lansing,  
9   Lansing's Supervisor was feeling very frustrated that one  
10   community was seeming to be heard louder than his community  
11   and at least from the perspective of that Lansing supervisor,  
12   was very concerned about that and wanting more attention to  
13   it.

14                   This is not a case of us changing our detailed  
15   analysis in the rate case. In fact, in pages sixty-three  
16   through sixty-six in the rate case, we did a careful analysis  
17   of gas expansion and the benefits of gas expansion and -- and  
18   I think it's very, very important for us to be very mindful of  
19   the benefits and -- and the challenges that are there.

20                   What's very important is a clear engagement  
21   with the community and working with the utilities in here,  
22   NYSEG has been very engaged in working with both communities  
23   and coming up with alternatives. So even though the rate case  
24   had blessed the project and they could have gone forward, they  
25   took a step back and tried to come up with some alternatives.

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2 It is a continued struggle to work through this  
3 and that's why for us, we need to be very mindful of the fact  
4 that it does not mean that now it will always be a go-to that  
5 non-pipe alternatives even -- are always going to be the  
6 winning go-to solution. In fact, we need to be very careful  
7 that we're conveying that non-pipe alternatives may be an  
8 alternative. It is something to look at. What that is, we  
9 need to be very careful and it must be economical, feasible,  
10 least-costly and we need to be very careful to go through  
11 that.

12 This order, while I will be voting for it, I  
13 will not be voting with the majority in it because I do not  
14 think this order is detailed in what that is. This order  
15 talks about looking at the -- looking and considering the  
16 benefit-cost analysis shall be conducted from both a company  
17 and customer perspective, considering the state and Tompkins  
18 County's emission-reduction goals.

19 It says nothing about the need for reliability.  
20 It says nothing about the need for whether or not there's a  
21 need for gas, whether there's an interest from the community  
22 in having gas. Those are things that I think we need to take  
23 more of a deliberative approach to.

24 So, I would hope that the support in all of  
25 those different things and go back to the aspects that we

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2    raised in the rate case, the deliberative process that we did  
3    in that, are also taken into account. This order does mention  
4    the rate case and so, the rate case is not -- and the -- the -  
5    - the rationale behind the rate case is not -- is not -- is  
6    not -- is no longer -- is still part of this and still part of  
7    the record so it is something that I think is reflected in  
8    that.

9                        So, that's why I will be voting for it, but  
10   only in concurrence. Thank you.

11                      CHAIRMAN RHODES: Thank you, Commissioner  
12   Burman.

13                      Commissioner Alesi?

14                      COMMISSIONER ALESI: Well, at the end of the  
15   day, I guess this program is an innovative way to provide  
16   service in the general area, needing an alternative way to  
17   deliver that service outside of establishing a pipelines. But  
18   it also appeals to me even though it's not perfect as a pilot  
19   program, so that maybe in other times and other applications,  
20   we'll have something to learn from and from that simple  
21   standpoint I'll be supporting it.

22                      CHAIRMAN RHODES: Thank you very much.

23                      I proceed to call for a vote on this item, Item  
24   101.

25                      My vote is in favor of the recommendation to

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2 authorize the pilot compressor project as described.  
3           Commissioner Sayre, how do you vote?  
4           COMMISSIONER SAYRE: Aye.  
5           CHAIRMAN RHODES: Commissioner Burman?  
6           COMMISSIONER BURMAN: I concur.  
7           CHAIRMAN RHODES: Commissioner Alesi?  
8           COMMISSIONER ALESI: Aye.  
9           CHAIRMAN RHODES: The item is approved --  
10 approved and the recommendation is adopted.  
11           We move to the second item for discussion.  
12 Item 201, Case 17-M-0178, which is the petition of Orange and  
13 Rockland Utilities for the authorization of a program-  
14 advancement proposal, presented by Nicola Jones, Utilities  
15 Supervisor and Rob Cully, Utility Engineer Specialist Two.  
16           Nicola, please begin.  
17           MS. NICOLA JONES: Thank you.  
18           Thank you and good afternoon, Chairman Rhodes  
19 and Commissioners. Item 201 addresses the petition of Orange  
20 and Rockland, for authorization of a program-advancement  
21 proposal, filed with the Commission on February 13, 2017.  
22 Orange and Rockland petition requested authorization for  
23 changes the company proposed to its energy-efficiency program,  
24 low -- low-income credits, Advanced Metering Infrastructure  
25 Project, also referred to as AMI. The petition also requests

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2 approval of a non-wires alternative framework.

3 Item 201 recommends five actions.

4 First, that the Commission's consideration of  
5 Orange and Rockland's proposed changes to its energy-  
6 efficiency program and low-income credit, be deferred until  
7 additional input and further review is done.

8 Second, to approve a full-scale rollout of  
9 Orange and Rockland's enhanced AMI system throughout its New  
10 York service territory. Third, to approve the company's  
11 proposed AMI customer-engagement plan.

12 Fourth, to deny Orange and Rockland's request  
13 to implement an AMI rate pilot.

14 And finally to approve a non-wires alternative  
15 framework, for Orange and Rockland.

16 I will now turn my attention to Orange and  
17 Rockland's AMI project. In Orange and Rockland's 2015 rate  
18 order, that was issued October 16th, 2015 under Case 14-E-  
19 0493, the Commission approved the installation of AMI devices  
20 for electric and gas customers in Rockland County and ordered  
21 Orange and Rockland to collaborate with stakeholders, to  
22 develop a revised AMI business plan. Furthermore, the  
23 Commission articulated it retained the right to make a further  
24 determination of Orange and Rockland's AMI implementation and  
25 could decide to modify or halt the project.

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2 Orange and Rockland did engage stakeholders in  
3 the development of the company's present AMI business plan and  
4 it worked with its sister company, Con-Edison to further  
5 refine its business plan and to negotiate with and select AMI  
6 vendors.

7 Orange and Rockland's AMI business plan  
8 includes the installation of AMI for its approximately two  
9 hundred and twenty-nine thousand electric and one hundred and  
10 thirty-six thousand gas customers over the next four years.  
11 Over the twenty-year life expectancy of the AMI system, Orange  
12 and Rockland determined a net benefit, of approximately  
13 fifteen point six million dollars, in net-present value.

14 After SAPA was issued for this petition, one  
15 comment was filed by a member of the -- member of the public,  
16 that requested the petition be denied due to unspecified  
17 health and safety concerns. I do want you to know that for  
18 customers who would like to opt out of AMI meter installation  
19 for any reason, including health or safety concerns, customers  
20 can contact the utility to make such an arrangement. In  
21 addition, Orange and Rockland's tariffs that address this  
22 matter have already been approved by the Commission.

23 Staff did analyze Orange and Rockland's AMI  
24 project proposal. It was found that Orange and Rockland has  
25 partnered with Con-Edison to use a similar AMI system and

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2   development schedule.

3                   Con-Edison's AMI business plan that  
4   incorporated lessons learned from utilities across the country  
5   and Canada was approved by the Commission effective March 17,  
6   2016 under Case 15-E-0050. This AMI system enhancement to  
7   Orange and Rockland's original proposal approved by the  
8   Commission in Orange and Rockland's 2015 rate order. This  
9   approach allows for additional cost savings, incorporation of  
10   best practices learned by Con-Edison and synergies between  
11   both the utilities.

12                   Preventing AMI system obsolescence and managing  
13   costs are key areas that require ongoing monitoring.  
14   Therefore, the draft order recommends the tracking of upgrades  
15   to Orange and Rockland's AMI system through AMI metrics, a cap  
16   on AMI capital-expenditures budget, to a total project cost of  
17   ninety-eight point five million, incorporation of valued  
18   engineering to minimize future costs and for the utility to  
19   provide an annual filing of AMI expenditures incurred and  
20   cost-reduction benefits realized.

21                   Staff reviewed the benefit-cost analysis  
22   provided by Orange and Rockland including assumptions, costs  
23   and benefit projections. Staff agrees with Orange and  
24   Rockland, that the benefits derived from this project exceed  
25   cost. In fact, staff found that the benefits identified by

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2 Orange and Rockland are conservative.

3 Regarding Orange and Rockland's customer-  
4 engagement plan, the draft order recommends its approval. The  
5 plan was developed with input from stakeholders, including  
6 staff, customers and third parties and addressed customer-data  
7 access and data-privacy issues.

8 However, the draft order recommends the denial  
9 of Orange and Rockland's proposed AMI rate pilot. Rather  
10 Orange and Rockland can use information from Con-Edison's AMI  
11 rate pilot and such information is to be used to create  
12 innovative-rate design.

13 The draft order recommends that Orange and  
14 Rockland may defer the revenue requirement associated with the  
15 implementation of the incremental project scope, until base  
16 rates are reset. In addition, for the customer-engagement  
17 plan, as long as recovery of the incremental cost does not  
18 cause the company to over-earn during the period costs are  
19 incurred, the company's allowed to defer these costs until  
20 base rates are reset. All costs associated with this project  
21 are subject to further review in Orange and Rockland's next  
22 rate-case proceeding.

23 Overall, AMI will contribute to the  
24 modernization of the company's electric and gas-distribution  
25 system creating operational savings and efficiencies, as well

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2 as increased visibility and control of its system. AMI can  
3 facilitate customer access to products and services provided  
4 by third parties. AMI can empower customers to become aware  
5 of their energy usage, which can allow them to better manage  
6 their energy costs.

7           I am glad to report to date, Orange and  
8 Rockland has used AMI funds approved in its 2015 rate order to  
9 successfully install its AMI backbone information-technology  
10 systems, began billing customers based on AMI data, completed  
11 design and installation of the communication network in  
12 Rockland, installed over thirty-four thousand AMI meters,  
13 devices in Rockland, began its outreach to its customers in  
14 government entities and is working towards completing the  
15 design and installation of its AMI communication-network  
16 system for Orange and Sullivan Counties.

17           I will now turn this item over to Mr. Robert  
18 Cully, who will discuss Orange and Rockland's non-wires  
19 alternative framework.

20           MR. CULLY: Thank you, Nicola.

21           Good afternoon, Chair Rhodes and Commissioners.

22           I -- I'll be providing the overview of staff's  
23 recommendations related to the non-wire alternative or NWA  
24 framework, as proposed by O&R.

25           Similar to the non-pipes alternatives discussed

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2   previously this afternoon, non-wire-alternative projects  
3   replace or defer the need for electric-transmission and  
4   distribution-system infrastructure through the use of  
5   customer-side distributed-energy resources, or DERs, or load  
6   reductions and are an important part of the portfolio of  
7   regulatory reforms, designed to engage utilities decreasing  
8   costs and providing value to customers.

9           Orange and Rockland seeks and pursues cost-  
10   effective non-wire-alternative projects, that would allow for  
11   the delay of traditional capital-infrastructure investment,  
12   which would otherwise be needed to accommodate the growth and  
13   peak-electric demand in various areas of the company's service  
14   territory.

15           Proposed a shareholder incentive that would  
16   provide for thirty percent of the present value of net  
17   benefits resulting from non-wire alternative projects pursued  
18   and is essentially identical to the mechanism approved by the  
19   Commission in January, for non-wire alternative incentives at  
20   Consolidated Edison in Case 15-E-0229.

21           The draft order adopts Orange and Rockland's  
22   proposed incentive mechanism. The mechanism includes a  
23   multistep process for determining a final incentive that would  
24   award the company for maximizing customer benefits and  
25   minimizing the cost to achieve such benefits.

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2 Under that process, an initial-shareholder  
3 incentive would be determined as a thirty-percent share of the  
4 net benefits calculated, based on a detailed benefit-cost  
5 analysis. To provide a strong price signal for the company to  
6 manage and reduce costs of the non-wire-alternative project  
7 throughout its implementation, the company would share  
8 fifty/fifty in the difference between the total-cost assumed  
9 and the initial net-benefits calculation and the actual total  
10 cost once the non-wire-alternative project is completed.  
11 Therefore, the final-shareholder incentive would equal the sum  
12 of the initial incentive and fifty percent of the cost  
13 overruns, or underruns of the non-wire alternative project.

14 The final incentive will be subject to both a  
15 floor and a cap, such that the final incentive will be neither  
16 less than zero dollars, nor greater than fifty percent of the  
17 initial net benefits. The cap, in particular, reduces gaming  
18 opportunities for the company to overstate or understate  
19 initial non-wire alternative project costs, or traditional  
20 capital-project costs.

21 Overall, the mechanism represents a financially  
22 meaningful incentive opportunity that should encourage Orange  
23 and Rockland to pursue innovative portfolio-level approaches  
24 to implementing non-wire alternative projects, while producing  
25 significant net benefits, for -- for customers.

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2 Finally, the draft order requires several  
3 checkpoints throughout the process, during which the filing of  
4 operating and accounting procedures as well as an  
5 implementation plan and benefit-cost analyses for each non-  
6 wire-alternative portfolio will be required.

7 CHAIRMAN RHODES: Thank you.

8 So, I am going to support this item. I agree  
9 with the -- and find that the deferral of the energy  
10 efficiency low-income credits make sense. I like the  
11 consistency implied with the non-wires-alternative framework  
12 following the -- a model established for other utilities,  
13 including Con-Ed. And most substantively, I -- I am going to  
14 approve the AMI proposal, with the customer engagement-plan  
15 and without the -- the rate pilot.

16 These advanced meters are a smart investment,  
17 just for the cost savings alone that they produce for  
18 customers and just for -- for customers. On top of that, they  
19 have other benefits. They enable better customer engagement  
20 and provide the foundational information for customers and  
21 suppliers to save money and reduce greenhouse-gas emissions,  
22 by better -- by better managing and decreasing energy use in  
23 the future.

24 Commissioner Sayre?

25 COMMISSIONER SAYRE: The Chair already made all

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2   of my points. I'm -- I'm satisfied that the AMI program  
3   passed the -- the required benefit-cost analysis, even looked  
4   at conservatively as staff did and now that it makes financial  
5   sense, it has all these extra benefits in -- through our REV  
6   proceeding, to allow customers to both better manage their  
7   energy and if they so choose, to participate in developing  
8   energy markets.

9           So, I -- I too support the item as well.

10          CHAIRMAN RHODES: Thank you.

11          Commissioner Burman?

12          COMMISSIONER BURMAN: I have a couple of  
13   questions.

14          First of all, I thought you had very good  
15   presentations, so thank you both.

16          On the discussion page, on page sixteen,  
17   under low-income and energy-efficiency program, it says  
18   O&R's request for the expansion and cost recovery of low-  
19   income credits and its energy-efficiency program does  
20   require further review from staff and input from  
21   stakeholders. Therefore, this component of the petition  
22   will not be considered at this time.

23          That's all it says about the petition and I --  
24   I'm just -- I was left confused by why there wasn't more  
25   analysis and why we weren't addressing, what was the review,

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2    when will it be taken care of, where will it be looked at  
3    since we have been so focused on both low-income and energy  
4    efficiency and it was a part of the petition. So, I was just  
5    trying to figure out where it fits.

6                   MS. SCHERER: I think with regard to the low-  
7    income credits, we've just implemented -- we're still in the  
8    process of implementing the most-recent Commission order in  
9    the low-income proceeding and it -- it's not an appropriate  
10   time to consider modifications to credits at this point.

11                   COMMISSIONER BURMAN: Okay.

12                   MS. JONES: And for the energy efficiency,  
13   while it's -- it's not in similar light, but there -- there  
14   are other efforts going on regarding energy efficiency and it  
15   was -- one, we didn't get much feedback from stakeholders  
16   regarding these two components once the petition was SAPA'd,  
17   but also, we feel like those two areas are areas that would be  
18   better addressed in a lot of the efforts around the energy  
19   efficiency and also as -- as was stated along with the low-  
20   income --

21                   COMMISSIONER BURMAN: Okay.

22                   MS. JONES: -- credit -- low-income program  
23   efforts --

24                   COMMISSIONER BURMAN: Okay.

25                   MS. JONES: -- but they will be -- they will be

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2 addressed in the future.

3 COMMISSIONER BURMAN: Okay. I was concerned.

4 We only got one commenter and that --

5 MS. JONES: Uh-huh.

6 COMMISSIONER BURMAN: -- that seemed odd to me.

7 Did that seem odd to anyone else? Not from --

8 I mean, it -- since it was low-income energy-efficiency AMI,  
9 we didn't hear from UIU. We didn't hear from PULP. We didn't  
10 hear from a consumer advocate. I was just -- we didn't hear  
11 from any of the energy-efficiency folks.

12 MS. JONES: I -- I can speak for the AMI  
13 component. I know that O&R. has been in constant contact with  
14 a lot of the parties, the stakeholders, customer staff, with,  
15 you know, every major step they made as far as their plans  
16 with AMI, they kept everyone informed. So, that could be a  
17 reason why there wasn't a lot of comments related to AMI

18 For the other areas, I'm not sure.

19 COMMISSIONER BURMAN: Okay. That's okay.

20 Okay. On page seventeen, it says that O&R is  
21 to file annual reports to provide information regarding AMI  
22 system upgrades and improvements. In addition, value  
23 engineering should be used to determine how future additional  
24 benefits can be achieved from AMI with minimal incremental  
25 costs.

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2 Once we have the annual reports, staff will  
3 look at them, make adjustments, work through all that. The  
4 value engineering -- who does that?

5 MS. JONES: That would be something that we're  
6 asking the utility to do --

7 COMMISSIONER BURMAN: Uh-huh.

8 MS. JONES: -- as part of their process with --  
9 with evaluating future actions related to AMI.

10 COMMISSIONER BURMAN: Okay. Okay. Was the --  
11 this -- I think this is for you, Mr. Cully.

12 With the non-wire alternative and the projects  
13 that are out there, are we evaluating the projects that are  
14 selected, working with the different utilities and in this  
15 particular case O&R to review, get feedback from some of the  
16 folks that have been selected, not only -- or -- or the ones  
17 that haven't been -- that have participated, I know that they  
18 got a lot of folks that submitted -- submitted bids into the  
19 non-wires alternatives. For those that didn't make it, maybe  
20 the, you know, the lessons learned from that and  
21 opportunities, so that we can draw upon that for other non-  
22 wire-alternative opportunities, holistically what works, what  
23 doesn't work.

24 What are we doing about those types of  
25 opportunities?

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2 MR. CULLY: So the short answer is that the  
3 review process of the -- how the RFP, or other procurement  
4 process worked, is a -- a regular part of our engagement with  
5 not only the utility, but stakeholders, in each of these  
6 cases.

7 COMMISSIONER BURMAN: Uh-huh.

8 MR. CULLY: Generally speaking, these non-wire  
9 alternatives tend to -- at least the ones that we've gotten so  
10 far, have their own RFPs and so each -- each utility is -- is  
11 working through kind of their unique procurement processes.  
12 Some of the other less-experienced utilities than say Con-  
13 Edison, who's had a number of different procurement processes  
14 related to its Brooklyn-Queens demand-management program, have  
15 been going more of a traditional RFP and then -- and then work  
16 out which are the best projects, whether on a -- on a -- a  
17 single project or -- or portfolio basis to move forward with,  
18 in their -- for their particular non-wire-alternative  
19 programs.

20 I would expect from O&R, that to be the case as  
21 well, for the -- the first few non-wire alternatives, but  
22 we've been generally seeing a trend towards more market-based  
23 type procurements, apart from RFPs as we do more and more in  
24 the non-wire-alternative realm.

25 COMMISSIONER BURMAN: Thank you.

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2 I am very much impressed with O&R's outreach  
3 and education components -- the four components, the energy  
4 future were informed and engaged. I think that framework is a  
5 very good one.

6 I do think that that customer engagement and  
7 outreach is very important. I do think that using these  
8 technologies to develop these innovative products and services  
9 are very important and this can really be very helpful.

10 I do think we need to be very careful and keep  
11 an eye on all of this and continue to look at what this means,  
12 especially as we go into the future and the -- the rate case  
13 and other aspects of this and as we look at the non-wires  
14 alternatives going forward. I think that's very important.

15 I do want to mention that the aspects that we  
16 didn't approve with the low-income and the energy-efficiency,  
17 I wanted to make sure that that, you know, doesn't fall off  
18 and you are making sure that it -- it gets addressed in other  
19 aspects. I think the energy-efficiency piece in particular is  
20 particularly important, as well as low-income, which falls  
21 among all aspects that we're doing, not just by itself, as a  
22 stand-alone.

23 So, I want to make sure that -- because I do  
24 think that's what sort of caused me concern, when I saw, you  
25 know, just short -- very short discussion in the order, caused

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2 me some pause.

3 Okay. Thank you.

4 CHAIRMAN RHODES: Commissioner Alesi?

5 COMMISSIONER ALESI: Nothing. Nothing.

6 CHAIRMAN RHODES: With that, we move to call  
7 for the vote on Item 201.

8 My vote is in favor of the recommendation to  
9 approve Rockland's proposal as described.

10 Commissioner Sayre, how do you vote?

11 COMMISSIONER SAYRE: Aye.

12 CHAIRMAN RHODES: Commissioner Burman?

13 COMMISSIONER BURMAN: Yes.

14 CHAIRMAN RHODES: Commissioner Alesi?

15 COMMISSIONER ALESI: Aye.

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

18 The third item for discussion, Item 202, Case  
19 07-M-0548, which is the conclusion of the energy-efficiency  
20 portfolio standard, presented by Colleen Gerwitz, Director of  
21 Office of Clean Energy. We have -- Ted Kelly, Assistant  
22 Counsel, is available for questions.

23 (Off the record discussion)

24 COMMISSIONER SAYRE: I apologize. My mic  
25 wasn't working. It wasn't on. It was working. Sorry.

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2 I voted in favor.

3 Colleen, please begin.

4 MS. GERWITZ: Good afternoon -- is this on?

5 No.

6 Good afternoon, Chair Rhodes and Commissioners.

7 Item 202 is a draft order, authorizing the conclusion of the  
8 Energy Efficiency Portfolio Standard. The Energy Efficiency  
9 Portfolio Standard, or EEPS, was initially authorized on a  
10 June 24th, 2008 Commission order, in support of the  
11 implementation and operation of energy-efficiency programs by  
12 eleven invest -- investor-owned electric and/or gas utilities  
13 and the New York State Energy Research and Development  
14 Authority, NYSERDA.

15 EEPS was ordered and implemented in two  
16 distinct phases, or periods. EEPS One programs ran from the  
17 initial EEPS authorization through December 31st, 2011 and  
18 EEPS Two ran from January 1st, 2012 through December 31st,  
19 2015.

20 The draft order that is before you addresses  
21 three topics supporting the conclusion of EEPS. EEPS One  
22 program overspending, EEPS shareholder incentive awards and  
23 deadlines and reporting requirements for the final financial  
24 closeout of EEPS.

25 These topics were the subject of a June 16th,

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2   2017 staff proposal that was issued for public comment. My  
3   presentation will briefly summarize each topic.

4                   First, the topic of EEPS -- EEPS One program  
5   overspending. During EEPS One, the Commission approved each  
6   EEPS program, along with the specific annual budget for each  
7   and expected that program administrators would modulate  
8   program delivery, to work within approved annual budgets. As  
9   EEPS progressed, the Commission gradually granted greater  
10  flexibility, to allow banking and borrowing across program  
11  years and transfer of funds between and among programs, to  
12  align with customer demand and to prevent temporary  
13  interruption of program delivery.

14                   During EEPS One, five utilities overspent  
15  eleven EEPS One programs, but with the increased flexibility  
16  authorized by the Commission, there were no EEPS Two over  
17  expenditures and none of the utilities overspent their EEPS  
18  portfolio.

19                   The Commission previously addressed two of  
20  these EEPS One program expenditures in a March 4th, 2015 order  
21  that authorized Niagara Mohawk to retain unspent EEPS One  
22  funds from other programs, to cover the overspending on two of  
23  their programs. The draft order before you, proposes similar  
24  treatment with regard to the remaining nine programs,  
25  providing authorization for six hundred and forty thousand

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2       seven hundred and eighty-eight dollars in unspent electric  
3       funds, to address over expenditures of three electric program  
4       budgets and one million, three hundred and one thousand six --  
5       six hundred and ten dollars in unspent EEPS gas funds to  
6       address over expenditures in seven EEPS One gas programs.

7                       The draft order recognizes the -- these  
8       expenditures benefitted customers by providing additional  
9       energy efficiency services to an increased number of  
10      customers, but excludes these energy savings from counting  
11      toward the calculation of the utility-shareholder incentives,  
12      so as not to reward any utility for spending above their  
13      authorized program budges.

14                      The second topic addressed in the draft order  
15      is the calculation and awarding of EEPS shareholder  
16      incentives. As described in the draft order, the Commission  
17      in an August 2008 order and several subsequent orders,  
18      instituted financial incentives -- instituted a financial-  
19      incentives model, designed to motivate utilities to pursue  
20      energy efficiency programs. The model included the awarding  
21      of utility-shareholder incentives, based on utility  
22      performance against Commission-established energy-savings  
23      targets.

24                      Both EEPS One and EEPS Two included a graduated  
25      structure that allowed utilities to earn positive incentives,

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2   if they achieved between eighty and one hundred percent of  
3   their portfolio target.

4                   Under EEPS One, there was a symmetrical design,  
5   with a negative incentive applied for performance between  
6   fifty and seventy percent of the target. Gas utilities were  
7   allowed to opt-out of the EEPS One incentive structure.

8                   Under EEPS Two, the Commission retained the  
9   graduated incentive structure, but modified it to be a  
10   positive only structure for -- for performance between eighty  
11   and one hundred percent. The EEPS Two incentive structure  
12   applied to all electric and gas utilities running EEPS  
13   programs.

14                   The EEPS Two structure also included two tiers  
15   with the first tier, step one, rewarding utilities for meeting  
16   their own target and the second tier, step two, rewarding  
17   utilities for achievement against the statewide goal, to which  
18   utility and NYSERDA achievements contributed.

19                   There are a number of specific components  
20   included in the calculation of the incentives and related  
21   issues are discussed in the draft order, such as a credit for  
22   utility referrals to the NYSERDA and power programs, a Con  
23   Edison specific megawatt reduction component, gas-unit  
24   conversions, definition of the EEPS One performance period,  
25   and multiple updates and corrections to utility-reported

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2 energy-savings values. Ultimately, the incentive structure  
3 seems to have been an effective motivator, as the utilities  
4 and NYSERDA achieved ninety-seven percent of the statewide  
5 electric target and ninety-three percent of the statewide gas  
6 target.

7                       Based on this performance result, this draft  
8 order recommends awarding fifty-six point five million in  
9 total EEPS electric-shareholder incentives and twelve point  
10 four million in total gas-shareholder incentives, with  
11 specific awards for each utility specified in the order. The  
12 draft order directs the unspent, unencumbered utility EEPS  
13 funds, as reported in the EEPS reporting application through  
14 October 17, 2017, be used to pay the shareholder incentives  
15 and to the extent that a particular utility does not have  
16 adequate funds, NYSERDA is directed to provide the remaining  
17 balance, using available unspent unencumbered funds reported  
18 in its March 31, 2017 uncommitted-funds report.

19                       The third topic addressed in the draft order is  
20 the final financial reconciliation and conclusion of EEPS.  
21 The draft order establishes a set date of December 31st, 2017  
22 for the conclusion of all utility EEPS spending and February  
23 29th, 2020 for the conclusion of all NYSERDA EEPS spending.  
24 By June 30, 2018, each utility is directed to file an up to  
25 date accounting of EEPS financial information, inclusive of

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2 accrued interest, which will establish a clear point in time  
3 baseline for future Commission action, with regard to  
4 remaining unspent fun -- EEPS funds and future accrued  
5 interest.

6                         Similarly, NYSERDA is directed to provide an  
7 equivalent report within one hundred and eighty days of the  
8 conclusion of its EEPS programs.

9                         I want to thank and acknowledge the many hours  
10 of effort that staff, particularly Katie Mammon and Danielle  
11 Foley (phonetic spelling) put into reconciling the information  
12 and data to support the development of this draft order.

13                         Ted Kelly and I are available to answer any  
14 questions.

15                         CHAIRMAN RHODES: Thank you, Colleen.

16                         This item addresses the conclusion of the  
17 successful EEPS programs, recognizing their achievement of  
18 ninety-seven percent and ninety-three percent of the statewide  
19 electric and gas savings goals respectively and as a result,  
20 awarding the appropriate utility-shareholder incentives and  
21 also for addressing the individual program, under and over  
22 expenditures and establishing the dates and final financial  
23 reconciliation reporting requirements.

24                         I am going to vote in favor of this item.

25                         Commissioner Sayre?

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2 COMMISSIONER SAYRE: For me, the most important  
3 piece of this order is the last ordering paragraph.

4 After some compliance activities and filings,  
5 the EEPS case is closed. I'm very happy to see the loose ends  
6 tied up and I commend the Chair of the staff and in particular  
7 Colleen and Ted for getting this done. It took a lot of work.

8 EEPS was a good program and it was a successful  
9 program and we've learned from it and I believe that our  
10 replacement programs are better. It makes sense to me and  
11 it's a matter of some relief to me, therefore, to put EEPS One  
12 and EEPS Two into the rearview mirror.

13 CHAIRMAN RHODES: Thank you.

14 Commissioner Burman?

15 COMMISSIONER BURMAN: So, I have a different  
16 perspective.

17 I was not a member of the Commission when the  
18 EEPS process was rolled out, but I do know that the process  
19 was undertaken under an imperative to get the many energy-  
20 efficiency programs up and running, in an extremely tight and  
21 probably unreasonable timeframe.

22 I do believe that there have been many lessons  
23 learned from the EEPS initiative, including the need to be  
24 more prudent and measured in making our demands, the need to  
25 be more realistic and thoughtful ahead of time about how

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2       quickly goals can be accomplished and the need to truly  
3       understand what the financial implications may be to run the  
4       programs and to prepare in case programs are more in-demand  
5       than anticipated. That way, we can truly issue orders that  
6       properly authorize programs that can be implemented  
7       effectively and stay within the bounds of the Commission  
8       orders.

9                       Those lessons are especially important when the  
10      programs will affect varied types of customers, in ways that  
11      we likely may not be able to anticipate, but should try to  
12      plan for. So, while there are some successes in the EEPS  
13      program and I do acknowledge that that is from the hard work,  
14      hard work of many of the utilities and the Commission staff,  
15      Colleen and her folks, have spent an enormous time and I do  
16      think that we need to recognize there were many flaws and  
17      there were many trip-ups along the way.

18                      When the Commission issues an order  
19      establishing a maximum budget for a program, the utility, or  
20      other entities responsible for ministering that program,  
21      including NYSERDA, needs to respect the Commission order.

22                      I do have a -- a concern in when we overspend,  
23      doing retroactive authorizations. It's no -- does not go  
24      unnoticed that I was not here when that major reauthorization  
25      -- retroactive authorization of overspending was done February

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2   26th, 2015, when I was not here and I was excused for health  
3   reasons.

4           Thereafter, I raised additional concerns and I  
5   have made -- have made it very clear publicly that I would not  
6   -- I was not comfortable in doing retroactive overspend --  
7   overspending of programs. I think that we need to look very  
8   carefully when we do that, even if there are reasons for doing  
9   so. I think we need to have true conversations about that.  
10   Again, Commission orders are very important and we need to  
11   take those carefully and we need to, in the end, be very  
12   careful in the outset.

13           I do think going forward, we want to ensure  
14   that we as a Commission, again, properly set goals, targets,  
15   timing and funding in our orders, that account for the real-  
16   life design and implementation of programs. We need to do a  
17   better job at the front-end, when we establish programs rather  
18   than as in this case with EEPS, the Commission in furtherance  
19   of its energy-efficiency policy objectives inappropriately  
20   rushed through -- through and rolled out a flawed EEPS  
21   program.

22           And while we did make course corrections, we  
23   didn't necessarily do it, without significant delay and we  
24   didn't do enough, fast enough. We owe it to the rate payers  
25   to get it right at the outset and I'd like to make sure that

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2 we take careful note of the lessons from EEPS and do a better  
3 job continually and -- and not just say it's behind us. We  
4 make sure that we carefully take note of the lessons learned,  
5 the good, the bad, and the ugly.

6 So, thank you.

7 CHAIRMAN RHODES: Thank you.

8 Commissioner Alesi?

9 COMMISSIONER ALESI: Nothing to add.

10 Thank you.

11 CHAIRMAN RHODES: Thank you.

12 With that, I call for a vote on Item 201.

13 My vote is in favor of the recommendation to  
14 award the utility Energy Efficiency Portfolio Standard  
15 shareholder incentives, address program over expenditures and  
16 establish dates and final financial-reconciliation reporting  
17 requirements, supporting the conclusion of EEPS as described.

18 Commissioner Sayre, how do you vote?

19 COMMISSIONER SAYRE: Aye.

20 CHAIRMAN RHODES: Commissioner Burman?

21 COMMISSIONER BURMAN: No.

22 CHAIRMAN RHODES: Commissioner Alesi?

23 COMMISSIONER ALESI: Aye.

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

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2 COMMISSIONER BURMAN: May I just interrupt?

3 I -- I believe it's Item 202. I think you may  
4 have said 201 at the beginning.

5 CHAIRMAN RHODES: I -- thank you.

6 COMMISSIONER BURMAN: I just want to clarify  
7 that for the record.

8 CHAIRMAN RHODES: It is indeed Item 202.

9 Thank you.

10 We now move to the fourth item for discussion.

11 Item 301, get it right, Case 17-E-0594, which is staff's  
12 report on the March 2017 windstorm and order to show cause,  
13 presented by Christian Bonvin, Chief of Electric Distribution  
14 Systems and Jane Cicerani, Managing Attorney.

15 Christian, please begin.

16 MR. BONVIN: Good afternoon, Chair Rhodes and  
17 Commissioners. Today, I'll be discussing staff's  
18 investigation into the performance of New York State Electric  
19 Gas Corporation and Rochester Gas and Electric Corporation,  
20 with regard to the windstorm that swept across western New  
21 York, on March 8th, 2017. The severe nature of the storm  
22 resulted in widespread damage to electric distribution  
23 systems. Fallen trees, broken poles, downed wires and road  
24 access, made it difficult for emergency responders and  
25 residents. Peak outages were approximately forty-eight

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2           thousand for NYSEG, a hundred and twenty-three thousand for  
3           RG&E and a hundred and thirteen thousand for National Grid.

4                       Restoration took until March 13th for NYSEG and  
5           March 15th for RG&E. In comparison, National Grid restored  
6           service to customers by midday on March 12th. Because of  
7           National Grid's ability to restore service in a timelier  
8           manner, the focus of the investigation was on NYSEG and RG&E.

9                       As you know, all investor-owned utilities are  
10          required under Public Service Law, N -- 16 NYCRR, Part 105, to  
11          file an emergency-response plan annually for review and  
12          Commission approval. NYSEG and RG&E operated as a single  
13          entity when responding to storm events and as such they have a  
14          common emergency-response plan.

15                      Staff -- staff's investigation considered a  
16          combination of elements including a review of compliance with  
17          the company's emergency-response plan, discussion and  
18          interviews with utility representatives and public officials,  
19          evaluation of complaint data filed with the Department's  
20          Office of Consumer Services, comments received as part of the  
21          Public Statement Hearings, meetings with company management  
22          and staff, analysis of the company's response to information  
23          requests and other salient information. The investigation  
24          reviewed whether the utilities were properly prepared for and  
25          how they responded to the effects of the wind storm.

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2 Staff also examined the communications used to  
3 inform customers, emergency-management personnel, government  
4 officials and the media of the company's response and  
5 restoration efforts. While staff found certain areas where  
6 NYSEG and RG&E performed appropriately, our analysis also  
7 found several areas, where the companies did not perform well,  
8 instances where they did not follow the processes identified  
9 in their emergency-response plan and opportunities for  
10 improvement.

11 On the operational side, the companies were  
12 slow in identifying and managing the level of outside  
13 resources needed to execute a timelier restoration. While the  
14 companies were able to obtain a peak of two thousand line  
15 workers to assist with the restoration effort, staff found the  
16 companies lacked a clear process to determine the appropriate  
17 crewing levels for the initial mutual-aid request, which  
18 impacted response in the early stages and the companies failed  
19 to consider crews from nearby municipalities, until the third  
20 day of the storm response. This was a missed opportunity for  
21 the companies to acquire additional resources earlier in the  
22 restoration period.

23 Staff also concluded that RG&E did not perform  
24 adequate damage assessment in the early stages of the storm  
25 and lost valuable time during the first days of restoration,

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2       by verifying broken poles, rather than performing a holistic  
3       review of their system. The failure to in -- to initiate  
4       proper damage assessment resulted in the company having  
5       insufficient visibility into field conditions to best  
6       determine how to deploy crews.

7           RG&E also did a poor job in identifying  
8       critical facilities impacted and communicating with Monroe  
9       County, as to the priority of which critical facilities needed  
10      to be restored first. Effective coordination did not occur  
11      until Friday leading to frustration, inefficiencies and  
12      delayed restoration of key facilities. Staff also concluded  
13      that RG&E's restoration effort failed to give appropriate  
14      consideration to affected communities served by smaller  
15      circuits, such as the city of Rochester.

16           The companies also need to make improvements to  
17      their wire-down procedures to ensure they are properly  
18      prepared to handle the high volume of wires down during major  
19      events.

20           With respect to communication, staff concluded  
21      that the companies fell short of the Department's and the  
22      public's expectation to provide timely, accurate and detailed  
23      information during a power outage. In fact, the communication  
24      tools used by the companies, which include press releases, its  
25      website, social media and the customer-service call center

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2           lacked consistent and accurate updates on the restoration  
3           efforts and estimated times of restoration, or ETRs.

4                        ETRs are vital to customers who must rely on  
5           this information for planning purposes during outage events  
6           and today's customers expect the most up-to-date information  
7           to be provided to them through various outlets. The companies  
8           were slow to develop ETRs and failed to issue them within the  
9           time periods defined in their emergency-response plan.  
10          Certain locations had more than three quarters of the  
11          customers restored, before an ETR was issued for those areas.

12                       Staff further concluded that the process used  
13          by the companies to communicate with their life-support-  
14          equipment customers or LSE customers was deficient. Utilities  
15          must maintain daily contact with LSE customers during an event  
16          -- outage event, which is typically done through phone  
17          conversations.

18                       If the company is unable to make contact by  
19          phone, an in-person visit is required. Utilities may make a  
20          visit using company personnel or refer LSE customers each day  
21          to an emergency-service agency. If an agency is used, the  
22          utility needs to obtain the results of those referrals.  
23          However, the companies failed to verify the outcomes of the  
24          visits during this storm. Additionally, RG&E was reluctant  
25          initially to provide the list of LSE customers, to an

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2 emergency-service agency.

3 Overall, staff's report reflects nearly thirty  
4 recommendations to -- to remediate the shortcomings identified  
5 in this event. Implementation of these recommendations should  
6 result in better future performance. Staff also determined  
7 that one or both of the companies did not follow seven areas  
8 of its emergency plan, that include ETR development, LSE  
9 referrals, damage assessment, wire-down response,  
10 prioritization of restoration, call-center staffing and  
11 updating call center messages.

12 I will now turn it over to Jane to discuss the  
13 next steps.

14 MS. JANE CICERANI: Good afternoon. Good  
15 afternoon, Chair Rhodes and the Commissioners.

16 The next step in the process that we recommend,  
17 based on staff's findings are -- or investigation, is to issue  
18 an order to show cause and that draft order that you have  
19 before you consists of two parts.

20 One part addresses the possibility of a Public  
21 Service Law Section 25 A Administrative Penalty, regarding the  
22 apparent failures of the companies, NYSEG and RG&E, to follow  
23 their Commission-approved emergency-response plans and it  
24 requires the companies to show cause why such penalty action  
25 should not be commenced. The steps after that would depend

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2   upon the company's responses.

3           The other part of the draft order is for the  
4   companies to address the staff recommendations set forth in  
5   the report, either accepting the recommendations and  
6   explaining how they plan to implement them, or explaining why  
7   they believe the recommendation shouldn't be implemented and  
8   provide alternatives to address the problems identified. The  
9   companies are encouraged in the draft report -- in the draft  
10   order, to consult with staff in developing their responses to  
11   the recommendations.

12           We expect that these recommendations would also  
13   be included in the December Emergency Response Plan filings,  
14   required by Public Service Law Section 6621, which plans would  
15   then be SAPA'd and presented to the Commission for approval in  
16   early 2018. The companies have thirty days from the date of  
17   the order to respond to both parts. Thank you.

18           CHAIRMAN RHODES: Thank you, Jane.

19           Thank you, Christian.

20           I'm -- I am going to vote in favor of the  
21   staff's recommendations. It's simply critically important  
22   that utilities adhere to our rules and regulations,  
23   specifically including, of course, Public Service Commission  
24   approved emergency-response plans and especially as in this  
25   case, when the safety of New Yorkers is at stake. Given the

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2 findings, I think it's right that the Commission now consider  
3 the financial penalties on companies -- on the companies, for  
4 their apparent failure to follow Commission-approved  
5 emergency-response plans.

6                           Commissioner Sayre?

7                           COMMISSIONER SAYRE: I support this item and I  
8 hope with this item, we can send a couple of key messages to  
9 all utilities.

10                           First, is to communicate, communicate,  
11 communicate, with all customers especially those on life-  
12 support equipment, but all customers who are out of service  
13 need information. After a big storm, if it's going to take a  
14 number of days, or even a couple of weeks to bring an area  
15 back up, that may or may not be the best that the utility can  
16 possibly do under the circumstances, but in any case, people  
17 need to have an estimated time of restoration as soon as  
18 possible, so that they know what to do.

19                           My second message is to prepare, prepare,  
20 prepare. Now, I'm only speaking as one Commissioner on this  
21 point, but I'd like to urge the utilities when there's doubt,  
22 to pre-stage more resources and call in-advance for more  
23 mutual assistance from other utilities, before the storm hits.  
24 If the storm blows elsewhere, that's okay with me. That's --  
25 that's a form of insurance and in my view, some insurance is

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2 cheaper than the alternative, which is significantly-delayed  
3 restoration, if the storm turns out to hit harder than  
4 expected.

5                       We've had a lot of problems with a lot of  
6 storms in New York and I don't think it's going to be getting  
7 any better in the future. So, I urge the utilities to take  
8 these points to heart.

9                       CHAIRMAN RHODES: Thank you.  
10                      Commissioner Burman?

11                     COMMISSIONER BURMAN: Hurricane Sandy  
12 reinforced the importance of reliability and resiliency in New  
13 York. After Superstorm Sandy, the state amended Commission  
14 statutes to address the electric emergency plans and to  
15 increase our oversight and enforcement role with respect to  
16 the plans.

17                     In fact, the amended rules specified certain  
18 subject areas to be included in the electric emergency plans.  
19 The electric emergency plans always were included, but it was  
20 the first time that the Commission was now adopting them and  
21 also, were focused on certain newer subject areas and were  
22 required, utilities now, to file them. They would then be  
23 SAPA'd and the Commission would adopt them and approve them,  
24 on or before December 15th of each year. They would be filed  
25 and then the Commission reviews and approves the plan.

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2 So that, actually now is coming up. I look at  
3 this. I'm not pre-judging. This is a staff report. It's an  
4 order to show cause that we are issuing and then the company  
5 will be responding to, but it does lead to the next phase,  
6 which as -- as Jane indicated, may lead to penalty action, or  
7 not. But it really leads to -- me to the critical issue of  
8 how to incorporate into our emergency plans and into the  
9 utility-emergency plans what lessons can be learned.

10 This is the first storm that rises to the level  
11 of a storm, after Superstorm Sandy that required this type of  
12 review and so for us, it's not just NYSEG and National Grid,  
13 who are subjected to this review, but it's for all of the  
14 utilities, which they do annually, even now for all of the  
15 utilities to take a look at this report and also to work and  
16 see, you know, what -- what may be needing to be updated in  
17 their plans. Not only is it just from this lessons, that --  
18 lessons learning that there may be, but also from other  
19 impacted areas from Hurricane Harvey, Hurricane Irma, as well,  
20 that we may be able to take some lessons learning and -- and  
21 see.

22 I don't want us to prejudge. However, I do  
23 think that some key issues, in terms of communication,  
24 obviously is -- it -- it -- seems to be the single most  
25 important aspect of something that needs to be improved, so we

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2    should look at that. But to the extent that the plans  
3    themselves are supposed to be live, working documents, that  
4    help tell a story so that it's before, during, and after that  
5    we need to make sure we understand and have robust emergency  
6    plans that work and then after the fact look at to implement  
7    and make corrective changes as needed. Each event will be  
8    different and so we need to make -- take that into account and  
9    I look forward to those plans being issued and then reviewed,  
10   SAPA'd and then coming before us for approval and as amended  
11   as needed.

12                   CHAIRMAN RHODES: Thank you.

13                   Commissioner Alesi?

14                   COMMISSIONER ALESI: I guess I will be  
15   succinct, but very blunt about this.

16                   I think that the Department report outlined in  
17   numerous ways, the company's failure and I'm going to support  
18   the effort here. I think that I will also look forward to the  
19   company's response on this.

20                   I'll be supporting it.

21                   CHAIRMAN RHODES: Thank you.

22                   So with that, we proceed to call for a vote on  
23   Item 301. My vote is in favor of the recommendation to direct  
24   NYSEG and RG&E, to address the recommendations in staff's  
25   report and show cause why the Commission should not commence

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2 an administrative penalty action as described.

3 Commissioner, Sayre, how do you vote?

4 COMMISSIONER SAYRE: Aye.

5 CHAIRMAN RHODES: Commissioner Burman?

6 COMMISSIONER BURMAN: Yes.

7 CHAIRMAN RHODES: Commissioner Alesi?

8 COMMISSIONER ALESI: Aye.

9 CHAIRMAN RHODES: The item is approved and the  
10 recommendation is adopted.

11 We now move to the fifth item for discussion,  
12 Item 302, Case 15-E-0302, as it relates to the phase two  
13 implementation plan of the Clean Energy Standard, presented by  
14 Tina Palmero, Deputy Director of Clean Energy. Tom Rienzo,  
15 Chief Clean Energy Programs and Tony Belsito, Senior Counsel,  
16 are available for questions.

17 CHAIRMAN RHODES: Tina, please begin.

18 MS. PALMERO: Okay. Thank you, Chair Rhodes  
19 and good afternoon Commissioners.

20 Item 302 before you, recommends that the  
21 Commission approve the Clean Energy Standard, Phase Two,  
22 Implementation Plan proposed by staff and NYSERDA, filed in  
23 May. The plan has five primary components.

24 First, it documents staff's review of the 2018  
25 through 2021 annual targets for Load Serving Entities, or LSEs

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2   and proposes some revisions to the targets, consistent with  
3   clarifications that have been made by the Commission, after  
4   the CES August framework order was issued.

5           Second, the plan establishes protocols for an  
6   annual divergence test which, if the test results fall outside  
7   of prescribed ranges, it may trigger an interim review of the  
8   annual targets by the Commission.

9           Third, the proposal establishes a new procedure  
10   for the sale of Tier One RECS by NYSERDA beginning with the  
11   2018 compliance period.

12           Fourth, the proposal establishes the method to  
13   calculate the alternative compliance payment or ACP for 2018.

14           And finally, the plan proposes and solicits  
15   comments on some additional design options regarding NYSERDA's  
16   annual tier one procurements.

17           The Phase Two Implementation Plan proposal was  
18   noticed under SAPA and comments were filed individually, or  
19   jointly, representing the views of about twenty parties in  
20   this proceeding. While staff is not recommending any  
21   substantive changes to the phase-two plan, based on those  
22   comments, it is recommending that the Commission require some  
23   follow up to address comments on a few issues.

24           First with respect to the LSE mandated targets,  
25   while no party specifically questioned the method for

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2     calculating the targets, some parties requested that the  
3     targets be projected out through 2030, to provide sufficient  
4     lead time for development of renewable projects and for other  
5     market participants to be able plan well in advance.

6                     Staff does not see the need to project targets  
7     out to 2030 at this time because undoubtedly targets set that  
8     far in advance, will need to be adjusted in the future. But  
9     staff does recognize that sufficient lead time is required for  
10    all market participants to plan well in advance and therefore  
11    recommends that the Commission require staff and NYSERDA to  
12    provide a rolling trajectory of no less than three years for  
13    the LSE mandated percentage targets.

14                    NYSERDA's tier one procurement targets should  
15    also be required on a three-year rolling basis.

16                    There were also comments that recommended  
17    creating additional regulatory policies around some of the  
18    input assumptions used to calculate the LSE mandated targets,  
19    to ensure that those assumptions are either tracked or  
20    enforced. While some of those recommendations are outside of  
21    the scope of the phase two proposal, tracking the success, or  
22    the accuracy of the assumptions used to calculate the -- the  
23    targets are important and these will be reviewed at a minimum,  
24    in the triennial review process, as already set forth by the  
25    Commission.

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2 However, in reporting progress on the growth of  
3 renewable energy consumed in this state, staff is recommending  
4 that NYSERDA post on its website, the method for calculating  
5 the fuel mix, which is tracked through the New York Generation  
6 Attribute Tracking System or NYGATS. This will provide the  
7 transparency in accounting for the historic renewable-energy  
8 baseline. That's one of the input assumptions for creating  
9 the targets. It will also provide transparency with respect  
10 to the achievements of the mandated targets and also, activity  
11 in the voluntary market, for measuring progress towards the  
12 overall Renewable Energy Standard, fifty by '30 goal.

13 With respect to the Alternative Compliance  
14 Payment, or the ACP, most comments on this topic opposed using  
15 any ACP funds as a backstop to pay nuclear generators, as part  
16 of the Zero Emission Credit Program or the ZEC Program. There  
17 was also concern that any collected ACP funds held at NYSERDA,  
18 should not just sit in an account to offset an expense, which  
19 may not occur, or may not occur at the magnitude of the  
20 accumulated funds.

21 To address these comments, staff is first  
22 proposing that ACPs that are collected, should be used to  
23 offset the cost of achieving the renewable-energy goals, which  
24 are distinct and separate from the ZEC Program goals. Also,  
25 staff recommends that if cumulative -- if there's a cumulative

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2 surplus of ACP payments that is more than twenty-five percent  
3 of NYSERDA's contractual payment obligations to renewable  
4 generators of the current year, NYSERDA will need to propose a  
5 use for the excess portion of those funds, that is in the  
6 rate-payer interest which will, you know, help offset the cost  
7 of the Renewable Energy Standard Program.

8                       Finally, with respect to NYSERDA's solicitation  
9 design, the phase-two proposal asked for comments on the  
10 aggregation of discrete, but like facilities, into a single  
11 bid in response to NYSERDA's tier-one procurements. The  
12 proposal also asks for comments on co-located facilities of  
13 different technologies into a single bid.

14                      Comments supported both of these arrangements.  
15 Therefore, staff is recommending that procurement design  
16 details be developed by staff and NYSERDA, for Commission  
17 consideration to accommodate those types of arrangements,  
18 prior to the release of a solicitation in 2019.

19                      There were no additional issues raised in  
20 comments that staff believed warranted changes to the phase-  
21 two proposal. Therefore, staff recommends it be approved and  
22 that a final plan be filed, no later than thirty days of the  
23 issuance of an order. Approval of the item today will enable  
24 NYSERDA to meet its December 1 deadline for publishing certain  
25 renewable-energy standard information required for the 2018

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2    compliance year, including the LSE mandated compliance  
3    targets, the projected ACP price and the scheduled dates for  
4    the 2018 tier-one solicitation.

5           Thank you.

6           CHAIRMAN RHODES: Thank you, Tina.

7           I'm going to support this item.

8           It takes the next steps and sets out the  
9    procedures and methods and fund-management rules for NYSERDA,  
10   to implement the next phase of the Clean Energy Standard and  
11   including, importantly in my view, providing additional  
12   rolling future visibility for the annual renewable energy  
13   standard targets for '18 through '21.

14           Commissioner Sayre?

15           COMMISSIONER SAYRE: I concur with the Chair.

16           CHAIRMAN RHODES: Commissioner Burman?

17           COMMISSIONER BURMAN: I have a couple of  
18   questions.

19           MR. AGRESTA: Mr. Chairman, while we wait,  
20   could we clarify, Commissioner Sayre, you're saying you voted  
21   yes?

22           COMMISSIONER SAYRE: Yes.

23           MR. AGRESTA: Okay.

24           CHAIRMAN RHODES: He hasn't voted yet.

25           MR. AGRESTA: I'm -- I'm -- I'm sorry.

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2 He used the word concur, which is what's  
3 throwing me off.

4 COMMISSIONER SAYRE: My apology, Mr. Agresta.

5 No, no. I concur with --

6 COMMISSIONER BURMAN: Come to the dark side.

7 COMMISSIONER SAYRE: -- the Chair's remarks.

8 COMMISSIONER BURMAN: He got worried.

9 It says on page twenty, for example, NYSERDA  
10 may propose to use these surplus funds to reduce the REC price  
11 for subsequent quarterly REC sale.

12 Do we know when they may propose that? Are we  
13 giving them a timeline to propose that?

14 MS. PALMERO: That was just an example of what  
15 could be done with any surplus funds that may become available  
16 with the ACPs. We -- first of all, we don't -- we don't  
17 expect there to be a lot of ACP payments, at least in the near  
18 term because we're trying to match the amount of RECs that  
19 will be available to the LSE obligation, but if there is a  
20 fund sitting there, then NYSERDA will -- will need to propose  
21 what it would do with the excess. So, they would have to  
22 propose that and that would be for comment and then Commission  
23 determination.

24 That was just an example.

25 COMMISSIONER BURMAN: Uh-huh.

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2 I don't like the fuzziness of it in the order.

3 MS. PALMERO: As -- as an example where it says  
4 for example, NYSERDA may propose to use these surplus funds to  
5 reduce the REC price? You didn't like that example?

6 COMMISSIONER BURMAN: No.

7 I like -- it's fine to have it as an example,  
8 but since we said it, I think that if it's something that they  
9 may propose, I'm wondering if we should be giving them some  
10 firmness, in terms of when this may -- they're thinking of  
11 proposing it, obviously there's something that's there, that  
12 when that comes --.

13 MR. BELSITO: I -- I -- I think the -- the  
14 reason we're not directing them or requesting a -- a specific  
15 proposal, or even a -- a timeframe for a proposal, is as Tina  
16 said, there's -- we're not sure if there will be a fund of  
17 money. We'll -- we're not sure when that fund of money will  
18 become substantial enough to require a propose -- proposal --  
19 a proposal and we're not sure of the magnitude of what those  
20 funds would be.

21 So, I think depending on the size of the funds,  
22 what the -- what an appropriate proposal would be, would  
23 probably change.

24 COMMISSIONER BURMAN: So, what's the analysis  
25 that's happening to determine all of those factors? Who's --

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2 how's -- what's the calculations that are going on? Who's  
3 involved in that?

4 MS. PALMERO: So, the -- the ACP funds, if --  
5 if there are any will be collected by NYSERDA and will be  
6 accounted for, so we will know what those collections are --  
7 what --

8 COMMISSIONER BURMAN: Uh-huh.

9 MS. PALMERO: -- the ACP collections are. If -  
10 - as we're proposing, if there is a surplus of funds over  
11 twenty-five percent of what NYSERDA needs to -- to pay the  
12 generators -- the renewable generators, then they will say  
13 okay, we've got the surplus funds, we propose to use them in -  
14 - in -- for rate-payer interest, we propose to use them in  
15 this way.

16 COMMISSIONER BURMAN: Right.

17 MS. PALMERO: And at that time when they  
18 propose it, that will either be in an implementation plan, a  
19 separate petition filing for -- to go out to comment and then  
20 the Commission will -- will decide.

21 You know the -- the -- the order -- the  
22 framework order said, you know, ACP funds should be used to  
23 help reduce the cost of the program. So, how -- how that's  
24 done, I think it's going to really depend on a lot of factors  
25 --

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2 COMMISSIONER BURMAN: But --

3 MS. PALMERO: -- what's going on at the time.

4 COMMISSIONER BURMAN: -- my concern is always  
5 that there are times where it seems like we hold onto money  
6 for a long time and that it doesn't seem like we then act and  
7 then I want to make sure that if -- that -- that there is a  
8 trigger that happens for decision-making purposes.

9 MR. BELSITO: The -- the twenty-five percent  
10 would be the trigger for a proposal from NYSERDA and the onus  
11 would be on staff to make sure to coordinate with NYSERDA to  
12 make sure that proposal gets in and, you know, essentially --.

13 COMMISSIONER BURMAN: But then it could sit.  
14 It doesn't -- then there's no trigger, in terms of then the  
15 Commission -- right?

16 MR. BELSITO: I -- it would be staff's  
17 responsibility to make sure that there was an item after the  
18 proposal, prepared in a timely manner, similar to most  
19 proposals that come in, either from NYSERDA or other parts.

20 COMMISSIONER BURMAN: And then the Commission  
21 should act timely.

22 MR. BELSITO: That's up to you guys.

23 CHAIRMAN RHODES: I'm nodding.

24 COMMISSIONER BURMAN: All right. That was a  
25 big hint.

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2 Okay. Thanks for hearing that.

3 CHAIRMAN RHODES: Commissioner Alesi?

4 COMMISSIONER ALESI: I concur with Commissioner  
5 Sayre.

6 CHAIRMAN RHODES: In a non-voting manner.

7 Okay.

8 With that, we proceed to calling for a vote on  
9 Item 302 -- sorry.

10 With that, we proceed to calling for a vote,  
11 with the mic on, for Item 302.

12 My vote is in favor of the recommendation to  
13 approve the phase-two implementation-plan proposal for the  
14 Clean Energy Standard as described.

15 Commissioner Sayre, how do you vote?

16 COMMISSIONER SAYRE: Aye.

17 CHAIRMAN RHODES: Commissioner Burman?

18 COMMISSIONER BURMAN: I'm going to be  
19 abstaining.

20 I don't think that this order is detailed  
21 enough and there are other items that are still weighing on  
22 the impact of this, that affect this decision -- many other  
23 decisions that have to be. However, I do understand that this  
24 is in many ways trying to facilitate some finality in certain  
25 decisions, but the order itself is -- like the repowering

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2    issue and others, still is leaving holes for decision making,  
3    that I'd like to see a lot more finality, including the state  
4    energy plan and other things that we need to address more  
5    holistically. So, I'm going to be abstaining from voting.

6           CHAIRMAN RHODES: Thank you.

7           Commissioner Alesi?

8           COMMISSIONER ALESI: I vote yes.

9           CHAIRMAN RHODES: The item is carried and --  
10   the item is approved, excuse me and the recommendation is  
11   adopted.

12                    We move to the sixth item for discussion, Item  
13   303, Cases 16-E-0710 et al, as they relate to LED Street  
14   Lighting Tariff amendments by New York State Electric and Gas  
15   Corporation and Rochester Gas and Electric Corporation  
16   presented by Peggie Neville, Deputy Director Office of Clean  
17   Energy. Peggie, please begin.

18                   MS. NEVILLE: Good afternoon, Chair Rhodes and  
19   Commissioners. Today I will be presenting on Item 303,  
20   revised electric-tariff filing, for both the New York State  
21   Electric and Gas Corporation and Rochester Gas and Electric  
22   Corporation, to offer company owned, company maintained LED  
23   street-lighting tariffs.

24                    Many municipalities around the state have  
25   expressed interest in pursuing LED street-lighting conversions

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2   for the economic and environmental benefits they offer, over  
3   standard street-lighting equipment. As you know,  
4   municipalities can negotiate the purchase of their  
5   streetlights with their utility, in order to pursue LED  
6   conversions.

7                       However, for many municipalities, particularly  
8   smaller municipalities, purchasing their street-lighting  
9   assets and taking on the operations and maintenance  
10   responsibilities, is not a viable option.

11                      Staff is excited to bring this item before you  
12   today as it represents the final installment of work the staff  
13   team has undertaken over the last two years, with regard to  
14   company-owned, company-maintained LED street-lighting tariffs.

15                      Staff recommends approving the tariff filings  
16   with modifications as detailed in the draft order before you.  
17   In doing so, NYSEG and RG&E will join Central Hudson, Orange  
18   and Rockland and National Grid in providing LED options that  
19   better meet the needs of interested municipalities.

20                      As with the other items the Commission has  
21   previously approved, this item recognizes that in addition to  
22   providing the LED tariffs, municipalities may also benefit  
23   from access to financing and technical assistance.

24                      With regard to access to financing, the item  
25   before you includes the option for NYSEG and RG&E to finance

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2   the undepreciated book value of the existing street-lighting  
3   assets, allowing municipalities who are interested in this  
4   option, to pay over time with the savings resulting from the  
5   LED conversion. We also note that the New York Green Bank has  
6   stated in their 2017/18 business plan, that it expects to  
7   proactively engage with municipalities and utilities, to  
8   determine any financial solutions that they may be also able  
9   to support.

10                   On the technical-assistance side, NYSERDA  
11   currently provides technical assistance in this area, that  
12   consists of the availability of an LED street-lighting  
13   toolkit, which includes case studies, fact sheets, and step by  
14   step guides. They also assist municipalities with evaluating  
15   various options to LED conversions and are partnering with the  
16   Lighting Research Center, to potentially offer additional  
17   trainings and informational resources.

18                   This concludes my remarks and I'm happy to  
19   answer any additional questions.

20                   CHAIRMAN RHODES: Thank you, Peggie.

21                   I am planning to support this item.

22                   New York state's policy has repeatedly  
23   championed municipal government efficiency and the encouraging  
24   of municipalities to have greater -- to take greater control  
25   over their energy usage. Implementing LED street-lighting

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2       options can -- can do much to support these twin goals, as  
3       well as the state's achievement of its own clean energy goals.

4                   NYSEG and RG&E are encouraged to continue to  
5       look for additional ways to help improve the customer's  
6       energy-efficiency opportunities. Commissioner Sayre?

7                   COMMISSIONER SAYRE: I see this as a great news  
8       item. As the Chair just said, LED streetlights help  
9       municipalities save energy and tax dollars at the same time.  
10      So, I commend staff and Peggie in particular, for getting this  
11      program rolled out. It was again, a lot of work. I think  
12      it's a wonderful result.

13                   CHAIRMAN RHODES: Commissioner Burman?

14                   COMMISSIONER BURMAN: Thank you.

15                   I think that was very comprehensive. I'm not  
16      going to be voting with the majority on this item. I will be  
17      concurring.

18                   My concern is, is that we have been doing these  
19      in silos and my concern is also that it has been a little  
20      chunky, or clunky -- chunky and clunky really, in our state-  
21      energy policy as it relates to LED street lighting and we've  
22      become a little bit overzealous in the advocacy of pushing LED  
23      street lighting, rather than being -- allowing municipalities  
24      to have clear, informed decision-making opportunities on their  
25      energy-efficiency portfolio, as it relates to one of the

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2 options being street lighting and LED and working with the  
3 utilities in a more grass-roots perspective.

4                   And while I do think that the technical  
5 assistance that can be utilized from NYSERDA is very  
6 beneficial, I do think we need to be very careful that we  
7 don't become too overly aggressive in pushing it from a --  
8 over policy objective, in the sense that they may not need all  
9 that we are pushing upon them and that there are many  
10 different aspects of it, that have significant challenges to  
11 it and municipalities need to have real, clear understanding  
12 of what their options are.

13                   And so I know that NYSERDA had done a few years  
14 ago a very comprehensive analysis on street lighting options  
15 and I do think it's, you know, might be beneficial to look at  
16 updating that, but also working with not only the legislature  
17 on, you know, the different aspects that are out there, but  
18 also with the relevant associations that are out there, to  
19 help make sure that it's one voice and also working with the  
20 different utilities and some of the challenges and -- and  
21 opportunities and also taking a look at some of the different  
22 things and confusion that is out there. Not all the  
23 municipalities will want to own their streetlights. Not all  
24 municipalities are fully understanding all of that's out  
25 there, which is why it's very important that we're very clear

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2   and some of the upgrades, while it may be appropriate and  
3   while there may be some funding that's available, the long-  
4   term implications need to be carefully weighed and looked at.

5           So, I am very supportive. I think it's very  
6   helpful, but I really want to make sure that we are very, very  
7   careful in our approach, so that we are truly doing what's  
8   right for the -- the -- New -- New York on this issue, for the  
9   short and long term.

10           So, thank you.

11           CHAIRMAN RHODES: Thank you very much.

12           Commissioner Alesi?

13           COMMISSIONER ALESI: Nothing to add.

14           Thank you.

15           CHAIRMAN RHODES: With that, I move to vote on  
16   this item, Item 303.

17           My vote is in favor of the recommendation to  
18   approve the tariff amendments, with modifications, as  
19   described.

20           Commissioner Sayre, how do you vote?

21           COMMISSIONER SAYRE: Yes.

22           CHAIRMAN RHODES: Commissioner Burman?

23           COMMISSIONER BURMAN: I concur.

24           CHAIRMAN RHODES: Commissioner Alesi?

25           COMMISSIONER ALESI: Yes.

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2 CHAIRMAN RHODES: The item is approved and the  
3 recommendation is adopted.

4 We will now move to the consent agenda.

5 Do any of my fellow Commissioners wish to  
6 recuse from voting on, or comment on any item on the consent  
7 agenda?

8 COMMISSIONER SAYRE: No.

9 CHAIRMAN RHODES: No?

10 Commissioner Alesi?

11 With that, I move to call for a vote. My vote  
12 is in favor of the recommendations on the consent agenda.

13 Commissioner Sayre, how do you vote?

14 COMMISSIONER SAYRE: Aye.

15 CHAIRMAN RHODES: Commissioner Burman?

16 COMMISSIONER BURMAN: Aye.

17 CHAIRMAN RHODES: Commissioner Alesi?

18 COMMISSIONER ALESI: Aye.

19 CHAIRMAN RHODES: The items are approved and  
20 the recommendations are adopted.

21 I am going to inject one more observation if I  
22 may, before I turn to you Secretary Burgess.

23 I would like all of us who care about these  
24 issues, to recognize that yesterday, November 15th, was  
25 Utility Scam Awareness Day. Many electric, water, and

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2   natural-gas customers throughout the country, are being  
3   targeted by scams -- by imposter-utility scams each day.  
4   These scammers typically use phone, in person, and online  
5   tactics to do so. Yesterday, as I said, the PSC, along with  
6   our major electric and gas utilities, participated in a  
7   Utility Scam Awareness Day, a national event to help raise  
8   awareness and educate customers about scams.

9           Preventing utility scams is not a one-day  
10   effort. The PSC and our utility partners will continue to  
11   help spread awareness of the suspicious behaviors and the  
12   evolving tactics with scammers used to target customers.

13           It's important for -- that customers call their  
14   utilities directly to check on the status of their accounts,  
15   if they are ever unsure of authenticity of a call, or identity  
16   of a service worker, or if they suspect any fraudulent service  
17   activity. Let's stay alert. Thank you.

18           (Off the record discussion)

19           CHAIRMAN RHODES: Secretary Burgess, is there  
20   anything further to come before us today?

21           MS. BURGESS: There's nothing further to come  
22   before you today and the next Commission meeting is December  
23   14th and the location has been changed to Albany, rather than  
24   in New York city.

25           CHAIRMAN RHODES: Thank you.

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2 So, we're going to adjourn the meeting, but I  
3 want to do one out-of-meeting bit of business as well.

4 I think we're all aware -- I hope all of us in  
5 this room are aware that the Department -- of the Department's  
6 and Commission's focus on the value of distributed-energy  
7 resources to set out clearly how to calculate the value stack,  
8 the instrument we use to compensate these new energy resources  
9 as appropriate and this is a major milestone and a major first  
10 step that creates more accurate and value-reflective pricing,  
11 to spur development of the projects that are most valuable to  
12 the grid. This is where I start getting embarrassing.

13 So on a staff level, this work has been led by  
14 Scott Weiner, our Deputy for Markets and Innovation. And on  
15 Tuesday, this week, Scott and his project-leader team were  
16 presented with an Innovation Award for the National  
17 Association of Regulatory Utility Commissioners, NARUC. In  
18 particular, this innovation award cites and recognizes the  
19 work of Scott, along with our Director of Market and  
20 Regulatory Economics, Warren Myers, our Deputy Director for  
21 Market Structure, Marco Padula, and our Assistant Counsel, Ted  
22 Kelly.

23 So on behalf of the Commission, I would like to  
24 personally congratulate Scott, Warren, Marco and Ted, as well  
25 as the other staff members on the team for the long and that

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2    is objectively true, and fruitful, also true, hours that they  
3    have spent on this and on so many other important REV  
4    endeavors.

5                   New York is fortunate -- New Yorkers are  
6    fortunate to have such expert public servants.

7                   Thank you.

8                   (The meeting adjourned.)

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2 STATE OF NEW YORK

3 I, JANET AXTON, do hereby certify that the foregoing  
4 was reported by me, in the cause, at the time and  
5 place, as stated in the caption hereto, at Page 1  
6 hereof; that the foregoing typewritten transcription  
7 consisting of pages 1 through 71, is a true record  
8 of all proceedings had at the hearing.

9 IN WITNESS WHEREOF, I have hereunto  
10 subscribed my name, this the 24th day of November,  
11 2017.

12

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14 JANET AXTON, Reporter

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