

1 Monthly Meeting Public Service Commission - 9-19-2019

2 STATE OF NEW YORK
3 PUBLIC SERVICE COMMISSION

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MONTHLY MEETING OF THE PUBLIC SERVICE COMMISSION

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Thursday, September 19, 2019

14

10:32 a.m.

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Three Empire State Plaza
Agency Building 3, 19th Floor
Albany, New York

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21 COMMISSIONERS:

22 JOHN B. RHODES, Chair

23 DIANE X. BURMAN

24 JAMES S. ALES

TRACEY A. EDWARDS

25 JOHN B. HOWARD

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

3 CHAIRMAN RHODES: Okay. I call this
4 session of the Public Service Commission to order.
5 Secretary Burgess, are there any changes to the final
6 agenda?

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

10 CHAIRMAN RHODES: Thank you. So with
11 that we'll get into the regular agenda. The first
12 and only item for discussion is Item 301 Case 17-T-
13 0752 which is the application of PSEG Long Island for
14 a Certificate of Environmental Compatibility and
15 Public Need for the Western Nassau Transmission
16 Project presented by Administrative Law Judge Sean
17 Mullany.

18 Judge Mullany, please begin.

19 A.L.J. MULLANY: Good morning Chair
20 Rhodes and Commissioners. Item 301 is a proposed
21 order of the commission that -- I'm sorry. Excuse
22 me.

23 Item 301 is a proposed order of the
24 commission granting -- pursuant to Public Service Law
25 Article 7 granting a certificate of public

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2 convenience and necessity or certificate to PSEG Long
3 Island, L.L.C. on behalf of and as agent for the Long
4 Island Lighting Company doing business as LIPA.

5 In the interest of brevity, going
6 forward, I'm merely going to refer to the petitioner
7 as PSEG Long Island.

8 The certificate would authorize PSEG
9 Long Island to construct and operate the Western
10 Nassau Transmission Project, an approximately 7 mile
11 138 kilovolt underground transmission line to be
12 constructed primarily within public rights of way
13 within the Town of Hempstead, Nassau County.

14 The project would provide a second
15 electric transmission circuit between the east Garden
16 City substation and Uniondale and the Valley Stream
17 substation in Lynbrook. Importantly, the new
18 transmission line would reinforce the LIPA electric
19 transmission system in the southwest Nassau area
20 improving the reliability of service to LIPA
21 customers on Long Island and enabling LIPA to meet
22 the applicable North American Electric Reliability
23 Corporation reliability standards.

24 The proposed order is the result of a
25 comprehensive settlement memorialized in the terms

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2 and conditions of a joint proposal, or J.P., which is
3 supported by five parties that have been active in
4 this proceeding. They include PSEG Long Island,
5 Department of Public Service trial staff, New York
6 State Department of Environmental Conservation, the
7 Village of Lynbrook and the Village of Rockville
8 Center. And to the extent necessary, if I have to
9 refer to them, I'm going to refer to them
10 collectively as the signatories.

11 No party opposes the J.P. In fact,
12 all active parties with one exception, the New York
13 State Department of Agriculture and Markets, are
14 signatories to the joint proposal. No public
15 comments opposing the joint proposal have been
16 docketed in this case. The J.P. describes the
17 project as proposed by the signatory parties and
18 includes appendices, several of which set forth
19 recommended commission findings, certificate
20 conditions, specifications for the development of the
21 environmental management and construction plan or
22 E.M. & C.P. and a proposed water quality
23 certification.

24 The joint proposal addresses the
25 statutory and regulatory issues pertaining to PSEG

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2 Long Island's certificate request, adequately
3 discusses all probable environmental impacts, and
4 addresses the steps needed to ensure that the project
5 as proposed represents the minimal adverse
6 environmental impact considering the state of
7 available technology and the nature and economics of
8 various alternatives and other pertinent
9 considerations.

10 Process provided all interested
11 parties and the public a full opportunity to
12 participate and the parties adhered to our -- I
13 should say to the -- to the commission settlement
14 rules and guidelines. This proceeding included
15 numerous opportunities for public input and the
16 record establishes that the proposal advanced by the
17 signatory parties was responsive to concerns about
18 construction related traffic impacts and questions
19 about increased electric and magnetic fields at
20 certain locations.

21 The settlement negotiations as well as
22 comments from landowners and municipalities affected
23 by the project resulted in a number of material
24 changes to the design of the project. For example,
25 the use of horizontal directional drilling will

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2 further reduce electromagnetic fields even though
3 they were already well within the commission
4 guidelines before this proposal was modified. And
5 will address public concern -- concerns relating to
6 construction related traffic impacts.

7 The revised stream crossing plan that
8 was developed in consultation with department staff,
9 D.E.C. and the Nassau County Department of Public
10 Works during settlement negotiations will ensure that
11 impacts to water resources are avoided or minimized
12 to the extent practicable. There has been no public
13 opposition to the joint proposal.

14 The terms and conditions of the J.P.
15 will produce a reasonable result that is in the
16 public interest and consistent with applicable state
17 and commission policies. Accordingly, I recommend
18 that the board adopt the proposed order including the
19 joint proposal which is attached with appendices.
20 Thank you for your time and attention. I'm available
21 for any questions the commissioners may have.

22 CHAIRMAN RHODES: Thank you, Sean.
23 This item is a reminder of a couple of important
24 aspects of our work. It's kind of a nuts and bolts
25 item, and it's also as a process matter, reminder of,

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2 you know, what good negotiation with parties looks
3 like. This is a project that's genuinely going to
4 provide grid and engineering value to the system.
5 And it comes with appropriate and widely endorsed
6 conditions to accommodate environmental and community
7 needs and health considerations.

8 And it is had -- it reflects the
9 result of a process that had good opportunity for
10 local participation and actually good activation of
11 that opportunity. And I am going to support this
12 item. Commissioner Burman?

13 COMMISSIONER BURMAN: Thank you. I do
14 think this is needed. There's the evidence that's
15 established that it's needed for reliability. I also
16 just want to note that I appreciated looking at the
17 comments and having seen from the beginning that some
18 folks, some of the parties were opposed to it but
19 that the -- a petitioner worked through that and then
20 was able to come to a -- a joint proposal with then
21 some of the parties supporting it. And that I think
22 was very helpful.

23 I also appreciated the focus on --
24 there was 2 individuals who jointly submitted
25 comments and their concerns, and they were addressed

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2 diligently by the petitioner. I do note that having
3 grown up in this area and understanding the
4 congestion there as well as the Long Island Railroad,
5 and so I want to be mindful of that the petitioner in
6 now going to construction phase really needs to
7 continue that same community engagement and dialogue.
8 And also any disruption to traffic and the Long
9 Island Railroad itself, which I don't anticipate.
10 But to the extent that that really needs to be
11 carefully worked through and appropriate notices
12 given. So I am supportive. Thank you.

13 CHAIRMAN RHODES: Thank you.

14 Commissioner Alesi?

15 COMMISSIONER ALESI: Thank you, Mr.
16 Chairman. As was mentioned, this is unopposed and it
17 appears to be reasonable. This will promote
18 reliability of service which is the cornerstone of
19 our responsibility here at the Public Service
20 Commission. So I will be supporting it.

21 CHAIRMAN RHODES: Thank you.

22 Commissioner Edwards?

23 COMMISSIONER EDWARDS: Good morning.
24 I think I have a couple of questions. It says that
25 they had put in an application to have a waiver for

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2 night-time work. Do you know if that's in a -- in a
3 residential area or just in the commercial area or
4 both?

5 A.L.J. MULLANY: Well, the line is
6 largely underground, and the rationale for 24 hour
7 construction activities, which will progress along
8 the path as the line is constructed, relates to the
9 need for uninterrupted construction activities
10 because when you splice the lines together, the end
11 of the line is inside a -- a cement vault. And you
12 need to maintain humidity and temperature within the
13 vault so that the splice is done under proper
14 atmosphere conditions otherwise you'll have premature
15 degradation of the line.

16 So along the entire length of the
17 line, no, construction will not take place 24/7. But
18 it will sequentially take place as necessary within
19 those splicing walls.

20 COMMISSIONER EDWARDS: Okay.

21 A.L.J. MULLANY: And with respect to
22 residential areas, I believe the line travels mostly
23 through commercial areas, but I don't know off the
24 top of my head that it's exclusively along commercial
25 roadways.

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2 COMMISSIONER EDWARDS: Okay. So if
3 you could just take back that there is going to be
4 any night-time noise in the residential area, it
5 would be good if they actually communicated with the
6 residents so that they're aware.

7 Secondly, it says in the order that
8 they have applied for or need to apply for a water
9 quality certificate. So do you know if they have
10 achieved that already? And if not, when do they
11 expect to achieve it and will it -- are they required
12 to get it prior to the commencement of the project?

13 A.L.J. MULLANY: One of -- one of the
14 attachments to the joint proposal, which in turn is
15 attached to the proposed order is a proposed water
16 quality certificate.

17 COMMISSIONER EDWARDS: Okay.

18 A.L.J. MULLANY: Pursuant to Section
19 401, I believe.

20 COMMISSIONER EDWARDS: Okay. Very
21 good. And just lastly for communication, it would be
22 great if they established a liaison for the community
23 so that if there are concerns or disruption that they
24 -- that the community, both business and residential,
25 have a direct line of who to call so they're not

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2 calling randomly into the company for assistance that
3 could probably be solved quickly. Okay.

4 A.L.J. MULLANY: Thank you.

5 COMMISSIONER EDWARDS: Are you nodding
6 in agreement?

7 A.L.J. MULLANY: I -- I -- I'm nodding
8 that I hear and understand what you're saying.

9 COMMISSIONER EDWARDS: Okay. Very
10 good. Thank you. That's it for me.

11 A.L.J. MULLANY: Thank you.

12 CHAIRMAN RHODES: Thank you very much.
13 Commissioner Howard?

14 COMMISSIONER HOWARD: I don't have any
15 comments on this. I will be supporting it.

16 CHAIRMAN RHODES: Thank you. So with
17 that we will move to vote -- and I will move to call
18 for a vote. My own vote is in favor of the
19 recommendation to grant the certificate subject to
20 the conditions adopted in the draft order as
21 discussed. Commissioner Burman, how do you vote?

22 COMMISSIONER BURMAN: Yes.

23 CHAIRMAN RHODES: Commissioner Alesi?

24 COMMISSIONER ALESI: Yes.

25 CHAIRMAN RHODES: Commissioner

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2 Edwards?

3 COMMISSIONER EDWARDS: Yes.

4 CHAIRMAN RHODES: Commissioner Howard?

5 COMMISSIONER HOWARD: Yes.

6 CHAIRMAN RHODES: The item is approved
7 and the recommendation is adopted.

8 We will now move to the consent
9 agenda. Do any commissioners wish to comment on or
10 recuse from voting on any items on the consent
11 agenda? Commissioner Burman?

12 COMMISSIONER BURMAN: I have a number
13 of comments or questions. They will be brief though.
14 Well, brief for me. Item 264 19-E-0375 et al which
15 is the NYSEG RG&E filing on tariff for the G.R.T. My
16 question I believe to counsel is I do understand that
17 there's also a pending petition, the 2015 petition
18 15-M-0457. How does this pending petition relate to
19 that and any decisional impact on that?

20 MR. SIPOS: Good morning, Commissioner
21 Burman. John Sipos. So, yes, this matter is a
22 company proposed tariff requesting a tariff amendment
23 with respect to the gross receipts tax issue. Your
24 reference to the 2015 petition from the Council of
25 Mayors which sought a -- which sought the

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2 commission's assistance on municipal and gross
3 receipts tax was received by the department.

4 That today's -- today's order, today's
5 item is -- addresses the company's specific request
6 here. The earlier petition from the council of
7 mayors also touched on RG&E and NYSEG's approach. So
8 to that extent, today's -- today's order would --
9 would cover it and staff will review the 2015
10 petition for -- for appropriate further action.

11 COMMISSIONER BURMAN: Okay. And also
12 to the extent that this draft order seems to suggest
13 that if things are decided differently because NYSEG
14 is still pursuing other avenues that there may be --
15 that if the -- and if it's decided differently in
16 another forum that it may come back to the commission
17 through an individual petition, can you explain a
18 little bit about that?

19 MR. SIPOS: That's correct,
20 Commissioner. If there was a subsequent change,
21 today's order would not preclude or would not bake in
22 today's action permanently much like in the context
23 of a federal income tax change where the commission
24 has addressed tariffs specifically or across the
25 board to update to the current legal understanding,

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2 there would certainly be that possibility here as
3 well.

4 COMMISSIONER BURMAN: Okay. Thank
5 you. And I do recognize that Tax and Finance had
6 issued an advisory opinion, I think 2009.

7 MR. SIPOS: I believe it's 2009.

8 COMMISSIONER BURMAN: I am mindful
9 that they did not -- they have remained silent in
10 where they stand in this specific proceeding and in
11 the larger 2015 proceeding to the extent that some of
12 that -- some of those issues might also be helpful to
13 have some guidance from tax and finance as we move
14 forward. I am going to be supporting this because I
15 think it is limited.

16 I am concerned that the 2015 petition
17 is still out there and also to the extent that there
18 is somewhat of a continued question mark as these
19 issues are still being decided potentially in other
20 forums. And to the extent that customers ultimately
21 need to have some clarity on that, and that the
22 companies themselves as well. But I am -- I am
23 mindful that we are trying to align this to the other
24 utilities, and so I will be supporting it. But I do
25 just note that I'm concurring because I am concerned

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2 that the external issues need to be addressed. Thank
3 you.

4 CHAIRMAN RHODES: Are there any other?

5 COMMISSIONER BURMAN: Oh, I'm sorry.

6 Item 266 -- Item 266 --

7 CHAIRMAN RHODES: I know you're going
8 to be brief.

9 COMMISSIONER BURMAN: -- is the matter
10 of retail access business rules. I -- I just want to
11 make clear that as I read this, that this is really
12 -- while it is addressing the petitions for rehearing
13 and petition for clarification that it is really
14 affirmatively only addressing, at this time, 2
15 issues. Can you just clarify that and make sure I
16 understand the 2 issues?

17 MR. SIPOS: Yes, Commissioner.

18 Today's matter indeed is a narrow discreet order with
19 2 amendments of the U.B.P. Today's order adopts 2
20 commonsense reforms. The first reform is a result of
21 the ESCO's request to the commission to allow
22 marketers to omit their last name from their name
23 badges in an effort to protect those marketers'
24 privacy and in particular to prevent risk of
25 stalking.

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2 The second reform adopted here does
3 away with the so-called death fee. And it
4 memorializes requirements that are in New York State
5 law consistent with the General Business Law Section
6 3994Z. There can no longer, under this order, there
7 can be no longer charges of customers for -- for a
8 fee of early termination when the customer dies. So
9 these are 2 narrow, discreet, commonsense changes.
10 And today's order and today's matter does not
11 prejudice any issues in any other ESCO proceeding.

12 COMMISSIONER BURMAN: Okay. Thank
13 you. I do appreciate that and I do think the 2
14 discreet low-hanging fruit items are appropriate. I
15 will -- and mindful that we do have -- the order does
16 speak to some SAPA notice issues. And to the extent
17 that I have been concerned about that, I can't vote
18 in full -- as a full yes to that issue. But I can
19 concur that these 2 discreet issues are appropriate.

20 I also am very mindful that the ESCO
21 matters that are still out there are very important.
22 And there is a need for regulatory certainty on those
23 items and to also give folks an opportunity to go
24 forward and make some decisions based on that. So it
25 -- it's -- it's important that we move on those items

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2 as well. So I will be in concurrence on Item 266.

3 On Item 268, which is standby rates
4 for steam Con Ed, I'm going to concur similar to my
5 voting record in the May 16th, 2019 order and
6 comments that I've said at the session at that time.

7 On Item 269, 18-M-0072 which is the
8 Utility Rate Analysis Consultant's Petition for
9 Declaratory Ruling concerning the removal of
10 customers from direct pay when a consumer elects to
11 utilize the complaint process under 16 N.Y.C.R.R.
12 Section 12, can you, Counsel, explain why we are
13 moving as we are on this item? And why we are
14 denying their petition for a declaratory ruling?

15 MR. SIPOS: Yes, Commissioners. So,
16 first of all, as you noted, there are pending
17 consumer matters under Section 12. And that process
18 here would allow the development of the factual
19 record to both assist in the -- in the resolution of
20 those matters and also potential subsequent
21 commission review depending on how the 3 step
22 consumer resolution process goes. So there already
23 is actually an avenue and a venue to -- to address
24 those issues.

25 The commission has discretion whether

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2 to grant or -- or -- or decline to issue a request
3 for declaratory ruling. And the proposal here is
4 that the commission decline to do so given the
5 pending consumer issues. And in that -- on that
6 topic of consumer issues, in situations where there
7 could be more than 1 or -- or -- or more than a set
8 of consumer complaints, it may be appropriate to
9 group 1 or several of them as sort of a bell weather
10 group as sometimes happens in litigation matters,
11 multi-district litigation matters.

12 And to develop the facts but also
13 then, you know, have that -- have that continue on
14 through the consumer resolution process because that
15 is a way to provide, as you referenced in your last
16 comments, some -- some certainty to stakeholders and
17 people who are interested in the process. So that is
18 today's order seeks to -- seeks to go forward with
19 the -- the existing consumer process and declines and
20 -- and -- and the draft order propose -- as proposed,
21 declines to issue a declaratory ruling at -- at this
22 point, at this time.

23 COMMISSIONER BURMAN: Okay. So what I
24 -- what I would like and I struggled with this item
25 for a bit, and what I'd like and I'm -- I'm going to

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2 be supportive, but it comes with some caution which
3 is that I think that there are times when we have
4 individual complaints, whether they currently exist
5 or they may be out there and we're not necessarily
6 aware of them but we're seeing it in an individual
7 complaint, that actually may be addressing a
8 potential global issue that we need to, as a
9 commission itself, weigh in on the policy and or the
10 legal ramifications of that. That may actually then
11 give guidance to looking at the way that the utility
12 is handling something and also helping to resolve any
13 existing complaints with some guidance from the
14 commission on how to handle that.

15 Now it's not going to be necessarily
16 easy in all cases to decide this individual complaint
17 is something that needs to be addressed by the
18 commission more globally. But to the extent that we
19 are analyzing internally complaints that come in and
20 making some decisions on what is popping that really
21 maybe needs the voice of the commission to then
22 weigh-in on that, I think it's something that we
23 should think about.

24 We want to make sure that we have
25 favorable and fair results across the board but also

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2 sending a signal that it doesn't become -- everything
3 has to be decided in an individual case understanding
4 that there may be some threshold issues that then how
5 it is applied will obviously be at times a fact
6 pattern for that particular customer. And whether or
7 not the policy statement or the legal issue, you
8 know, meets what -- what's before them.

9 So I just want to be careful in my
10 agreeing to this that we are mindful that there are
11 times that those types of issues need to come to the
12 commission and that we may need to internally talk a
13 little bit about what we're looking at, what we're
14 seeing and have some conversation on the process as
15 well as resolution to some of those that may help
16 unblock some issues. Does that make sense?

17 MR. SIPOS: Yes.

18 COMMISSIONER BURMAN: Okay. Thanks.
19 Then on 370 I am concurring as consistent with my
20 voting record. I have -- this is not necessarily
21 deciding things that, you know, we -- it's already
22 been decided, a lot of this. This is helping to make
23 the process better. But I am very mindful that we
24 are also establishing that NYSERDA is needing to
25 submit certain reports and to be also focused on its

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2 accounting. And looking at the reconciliations and
3 making sure that they are proper. And then if there
4 are any over collections addressing that.

5 I do think that this is a good item in
6 that it is helping smooth out some of the process
7 that came to light while we were implementing this.
8 But I am very mindful that we need to ensure that all
9 parties, which includes NYSERDA, is diligently being
10 accountable, timely and transparent in their
11 reconciliations and looking at the processes and
12 engaging as appropriate with the relevant affected
13 stakeholders.

14 MR. SIPOS: Right. And -- and so just
15 for the record this is the ZEC implementation plan.
16 And it is our understanding that this will increase
17 the speed of the process.

18 COMMISSIONER BURMAN: Right. Okay.

19 MR. SIPOS: Consistent with your
20 comments.

21 COMMISSIONER BURMAN: And -- and so
22 therefore I'm going to concur with that with some
23 caution on that -- that the goal needs to be met.

24 On 373 which is the Transco Section 70
25 filing, I -- I do -- and is that you?

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2 MR. SIPOS: I can try.

3 COMMISSIONER BURMAN: Okay. I do note
4 that it's a petition for an order approving
5 financing. I do note that I believe this is the
6 first time that I'm aware of that we are approving a
7 petition for financing Section 70 of a petitioner
8 that has public utilities as a part of it. And I see
9 Jay there, so. And -- and that for me I was very
10 glad to see that the order had language that talked
11 about differently from other petitions for Section 70
12 that talked about the reporting requirements that
13 were necessary.

14 It is still lightly regulated, and so
15 I don't think that what we've put in this order
16 changes that. And I think it just helps to make sure
17 that we are appropriately recognizing this petitioner
18 is a little different from other petitioners. And
19 acknowledging that and being mindful of telling the
20 petitioner that these filings in this report every
21 March 1st, I believe, is important.

22 I do want for us to make sure because
23 the petitioner has ratepayers as its customer the
24 financial risk on the petitioner does, you know, have
25 some indirect impact on the ratepayer. That -- I

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2 just want to be mindful that we are very carefully
3 looking at those reports and engaging in dialogue so
4 that as it may affect that we make sure that it's
5 appropriate with our lightened regulation on the
6 Section 70. Does that make sense?

7 MR. SIPOS: Yes. So this is the
8 Transco matter and the draft order does speak to the
9 concerns, does call out or acknowledge the concerns
10 that you have raised. And I understand that staff
11 will be, you know, closely scrutinizing the reports
12 as they come in on this to your point about -- about
13 caution. I don't know if Assistant Counsel Goodman
14 has anything else he'd like to add to that.

15 MR. GOODMAN: Good morning,
16 Commissioner Burman. I will add just to note for the
17 record, it's the Section 69 petition --

18 COMMISSIONER BURMAN: Oh, I'm sorry.

19 MR. GOODMAN: -- for financing
20 approval. But even if it were a transfer approval,
21 we would look at it with the perspective that you
22 said because Transco is comprised of affiliates of
23 investor owned utilities. There is a higher level of
24 regulatory scrutiny that's necessary as compared to
25 the typical lightly regulated entity. And as you

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2 noted, we took that into consideration in the
3 recommended outcome here.

4 One other factor that was taken into
5 consideration is that although New York -- that New
6 York Transco is subject to wholesale rate regulation
7 by the Federal Energy Regulatory Commission, so
8 there's an additional layer of protection for
9 ratepayers there although here New York Transco is
10 not through the use of its transmission lines serving
11 end-use retail ratepayers that we, you know,
12 typically focus very carefully on when there's
13 potential direct harm to them.

14 COMMISSIONER BURMAN: Yeah. Thank
15 you. And that, I think, is very important. I just
16 flag it because I do, first of all, give recognition
17 and thank you to the staff that worked on this
18 because I do think it's important. But I -- I think
19 it's important also to note the distinction that was
20 made here differently but that that is appropriate
21 and effective. So I just want to point that out.

22 Then my only last final item is 562
23 which is the Charter Communications item. I do want
24 to note that as it speaks to one of the issues that I
25 had raised and had concern with the last time we

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2 addressed 562, which dealt with the language on staff
3 or commission language. And I am mindful that the
4 commission as a majority voted to approve that. And
5 therefore, because of that, I am mindful that I'm
6 looking here and I'm going to be voting for this item
7 even though it doesn't change how I felt when I
8 dissented as to that.

9 But I am also mindful that there is
10 language in here that talks about communicating with
11 the commission. So whether it's the staff or the
12 commission, I am cognizant that you'll be engaging
13 with us. But I do just want to point out that the
14 distinction on why I'm voting yes here because I do
15 think it's important that if the commission as a
16 majority acts and this doesn't change my vote from
17 before, it does make us move forward. So thank you.
18 And --

19 CHAIRMAN RHODES: Thank you.

20 COMMISSIONER BURMAN: -- I have no
21 other comments. So thanks.

22 CHAIRMAN RHODES: Thank you.

23 Commissioner Alesi?

24 COMMISSIONER ALESI: Thank you, Mr.
25 Chairman. I will be supporting the consent agenda,

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2 but I would like to remark on Item Number 264 if I
3 may. Among the goals of the state and many of our
4 municipalities is the expansion of C.C.A., Community
5 Choice Aggregation and recovery of the municipal
6 G.R.T. is very important toward that end. So I'm
7 going to support, as I said, the entire consent
8 agenda and specifically with 264 this item without
9 regard to any unresolved external issues.

10 CHAIRMAN RHODES: Thank you.
11 Commissioner Edwards?

12 COMMISSIONER EDWARDS: I also will be
13 supporting the consent agenda. I just want to thank
14 the staff for providing additional information on
15 528, 266 and 722, the Suez Water, Silver Springs and
16 Hamilton. I just think it's important for us to
17 drill down a little bit more on what the average
18 customer increase will be on a monthly basis so that
19 we're looking at it in its totality. So I just want
20 to thank you very much for that additional
21 information provided.

22 CHAIRMAN RHODES: Thank you.
23 Commissioner Howard?

24 COMMISSIONER HOWARD: I will also be
25 supporting the consent agenda. I have one comment on

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2 Item 264. On a personal note I have never been
3 comfortable with using tax avoidance as a mechanism
4 to provide discounts to third party from ESCO. And
5 as a larger proceeding goes forward to the larger
6 proceeding as it unfolds.

7 CHAIRMAN RHODES: Thank you. With
8 that I will almost proceed to call for a vote.
9 Secretary Burgess, can you do me a favor and with
10 respect to Commissioner Burman's concurrences could
11 you -- could you remind us of the notes you have on
12 how she's voting?

13 SECRETARY BURGESS: Commissioner
14 Burman, if you could confirm this. I have notes that
15 you are concurring on Items 264, the gross receipts
16 tax, Item 266, the U.B.P., 268, the Con Ed Steam item
17 and Item 370, the C.E.S. implementation plan.

18 COMMISSIONER BURMAN: Correct.

19 SECRETARY BURGESS: Thank you.

20 CHAIRMAN RHODES: Thank -- thank you
21 both. So my own vote is in favor of the
22 recommendations on the consent agenda. Commissioner
23 Burman?

24 COMMISSIONER BURMAN: Yes except for
25 how I voted.

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2 CHAIRMAN RHODES: Thank you.

3 Excellent. Commissioner Alesi?

4 COMMISSIONER ALESI: Yes, as I
5 indicated in my remarks.

6 CHAIRMAN RHODES: Thank you.
7 Commissioner Edwards?

8 COMMISSIONER EDWARDS: Yes.

9 CHAIRMAN RHODES: Commissioner Howard?

10 COMMISSIONER HOWARD: Yes.

11 CHAIRMAN RHODES: The items are
12 approved and the recommendations are adopted.

13 Secretary Burgess, is there anything
14 further to come before us today?

15 SECRETARY BURGESS: Nothing further
16 today. Thank you.

17 CHAIRMAN RHODES: Okay. So before we
18 adjourn can I just do one personal note? There --
19 there are folks in the room here that are not our
20 usual visitors. I think your New York AGREE. Maybe
21 that's a short end. I just want to go on record as
22 applauding the citizenship that you're displaying.
23 You're showing up. You're commanding attention to
24 your issues. Fundamentally that's good for our
25 democracy and that's good for our state. Thank you

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2 very much. With that we're adjourned.

3 (Off the record)

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2 STATE OF NEW YORK

3 I, ANDREW BELAIR, do hereby certify that the foregoing was
4 reported by me, in the cause, at the time and place, as
5 stated in the caption hereto, at Page 1 hereof; that the
6 foregoing typewritten transcription consisting of pages 1
7 through 29, is a true record of all proceedings had at the
8 hearing.

9 IN WITNESS WHEREOF, I have hereunto
10 subscribed my name, this the 24th day of September 2019.

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13 ANDREW BELAIR, Reporter

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