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Monthly meeting - Public Service Commission - 5-19-2016

STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION

MEETING OF THE PUBLIC SERVICE COMMISSION

Thursday, May 19, 2016  
10:30 a.m.  
Three Empire State Plaza  
Agency Building 3, 19th Floor  
Albany, New York

COMMISSIONERS

AUDREY ZIBELMAN, Chair  
GREGG C. SAYRE

PATRICIA L. ACAMPORA  
DIANE X. BURMAN

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2 (The session commenced at 10:28 a.m.)

3 CHAIR ZIBELMAN: Good morning, everybody.

4 I'm going to bring this session of the

5 Public Service Commission to order.

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

8 SECRETARY BURGESS: Good morning, Chair and  
9 Commissioners.

10 There's no changes to the agenda this  
11 morning. Thank you.

12 CHAIR ZIBELMAN: Okay. The first item  
13 we're going to be going over today is for discussion only  
14 and we're doing this in the hope that springs eternal,  
15 that we've had such a cold spring, if we start talking  
16 about summer preparedness, maybe we'll start hitting some  
17 warm weather.

18 So with that, I think we're going to start  
19 off with Staff's report. Leka Gjonaj -- Gjonaj, who's the  
20 Chief -- I will get that right --

21 MR. GJONAJ: It's fine.

22 CHAIR ZIBELMAN: -- of Electric Systems  
23 will be leading. And then Paul Darmetko will be also  
24 preparing some -- has information on terms of prices.

25 So Leka, please begin.

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2 MR. GJONAJ: Thank you.

3 Good morning, Chair Zibelman and  
4 Commissioners.

5 My name is Leka Gjonaj. I am the  
6 Chief of the Department's Bulk Electric System section.  
7 I'm here today to brief you on Staff's review and  
8 assessment of the state's transmission and distribution  
9 system preparedness for the -- excuse me -- upcoming 2016  
10 summer season.

11 I guess, before we get involved with  
12 details and slides and whatever, I'd like to sort of just  
13 kind of get to the punchline, as my boss, Raj Addepalli,  
14 would say. And I'd like to say that based on -- based  
15 upon Staff's review and assessment of utility data,  
16 meetings with the individual utilities and meetings with  
17 the New York ISO, the state's electric system, both the  
18 transmission and distribution systems, are prepared to  
19 reliably meet New York consumers' expected summer electric  
20 demands for this summer.

21 Okay. Who's operating? Next, please?

22 Okay. So we could turn to this slide  
23 here, which is -- it's pretty interesting. And what it  
24 illustrates here is -- the chart essentially shows the  
25 historical and forecast statewide peak demands as

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2 projected by the New York ISO

3 What's interesting to note is how the  
4 forecast peak demands have changed. I draw your attention  
5 to -- so the -- let's just start with the black line with  
6 yellow diamond markers. It is what was forecast last year  
7 in early 2015. And the blue line with blue diamond  
8 markers is the current or 2016 peak demand forecast.

9 As you can see, the current forecast,  
10 or blue line, is significantly lower, or below the black  
11 line. The New York ISO attributes the reduced peak  
12 demands primarily to the effects of the state's energy  
13 efficiency and other programs.

14 But to highlight the significance of  
15 this, let's just focus on year -- on year 2025. For --  
16 the current forecast peak demand for year 2025 is -- is  
17 about 1200 megawatts lower than last year's projection for  
18 the same year. Or one way of looking, that's equivalent  
19 to 2 large power plants, at 600 megawatts each. And in  
20 round numbers, the capital cost needed to create -- I mean  
21 to construct those 2 power plants is in the range of about  
22 \$2 billion. So that's avoided, you know, investment that  
23 would need to be recovered, ultimately, by ratepayers at  
24 some point.

25 Also, the forecast annual energy,

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2 which is not shown in this particular graph, for the year  
3 2025, is about 3300 gigawatt hours less than what was  
4 projected last year. So that does -- among the things  
5 that does, it just -- that's fuel that doesn't have to be  
6 consumed to generate the 3300 gigawatt hours. And what  
7 that -- and that leads to reduction of about 1.5 million  
8 tons in greenhouse gas emissions, primarily carbon  
9 dioxide.

10 So and just to sort of further  
11 continue with this and get -- kind of get a sense of what  
12 1200 megawatts of capability is, 1200 megawatts of  
13 capability can serve the needs of approximately 1 million  
14 average-sized homes in New York. So it's not an  
15 insignificant amount is what I'm -- is what I'm sort of  
16 trying to say.

17 CHAIR ZIBELMAN: What's -- what's driving -  
18 - what's driving the forecast changes?

19 MR. GJONAJ: I guess the primary drivers is  
20 the -- sort of the effects that are being seen and  
21 projected from the state's energy efficiency programs and  
22 other programs, such -- from the Clean Energy Fund and  
23 those -- and those kinds of initiatives.

24 CHAIR ZIBELMAN: I -- I -- and I want to be  
25 clear. I mean this is -- these forecasts are developed by

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2 the New York ISO and the utilities, based on projections  
3 of where they see demand going?

4 MR. GJONAJ: Correct.

5 CHAIR ZIBELMAN: So I -- it's just a --  
6 it's reflection of where things can be -- go, not  
7 necessarily where they will go.

8 MR. GJONAJ: It's a -- it's a forecast,  
9 yes, that's correct. Yeah. It's -- okay.

10 CHAIR ZIBELMAN: Thanks, Leka.

11 MR. GJONAJ: Next slide. Yeah.

12 So in terms of the aggregate capability in  
13 the state, we'll just sort of go through this fairly  
14 quickly here. Basically, a table shows that, for 2016,  
15 the available capacity is -- the available capacity of  
16 2016 is comprised of installed in-state generation  
17 resources, special-case resources, which are the demand-  
18 response resources, and net-firm imports from our -- from  
19 our neighbors. And the total of those is, as shown here,  
20 41,552 megawatts.

21 Thanks. Back one. Okay. There. Perfect.  
22 Thank you.

23 This next slide -- this next table shows a  
24 -- shows a forecast statewide peak demand of 33,360  
25 megawatts for this -- for the summer of 2016. And to

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2 reliably meet this peak demand for 2016, the New York  
3 State Reliability Council has determined that a minimum  
4 installed reserve requirement of 17.5% above forecast  
5 demand is required. This 17.5% installed reserve  
6 requirement results in a 5,838 megawatt minimum  
7 requirement or -- above your peak, for a total installed  
8 capacity requirement of 39,198.

9 As we saw in the previous slide, the total  
10 available capacity for 2016 is 41,552 megawatts, or 2,354  
11 megawatts above the minimum. So to sort of translate all  
12 that, so this -- so this means that the actual solar  
13 reserves are about 25% above forecast peak, providing some  
14 cushion, if you will.

15 So now at the -- at -- at the distribution  
16 level, there could be circumstances that need to be  
17 resolved much more locally. And this -- when we -- this  
18 slide here is -- with Con Edison, as you're well aware,  
19 has quite a complicated distribution system, comprised of  
20 a number of individual networks that, from time to time,  
21 can experience various issues that require local solutions  
22 to provide load relief or load reductions.

23 And to provide that, Con Edison has several  
24 demand response programs that it has paid customers to  
25 provide load relief if needed. These programs are the

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2 Distribution Load Relief Program, DLRP, the Commercial  
3 System Relief Program, CSRP, and the Direct Load Control  
4 Program. DLC. And as the table indicates, there are  
5 several hundred megawatts of -- of capability available.

6 The other utilities also have load relief  
7 measures they can turn to, should they be needed, but not  
8 to the same extent and magnitude as Con Edison has.

9 Finally, this slide, at a high level,  
10 summarizes Staff's findings and some observations that  
11 allowed us to conclude that the state's electric system is  
12 prepared to reliably meet this summer's expected customer  
13 demands.

14 And with that, that concludes my  
15 presentation. Thank you.

16 CHAIR ZIBELMAN: Okay. Just one of those -  
17 - I'm sorry, Leka. It's such a good-news story, it's hard  
18 to get excited, but thank you.

19 Any -- any questions for Leka?

20 I think it's safe to say we're in good  
21 position. Reserves are there and it looks like we're on  
22 the right trajectory, but any questions for Leka?

23 COMMISSIONER BURMAN: I -- I just have one  
24 question. On slide 3 -- can you go back to that?

25 If -- if the economy does better, what will

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2 happen to that load forecast? Will we see a difference?

3 MR. GJONAJ: If the economy were to -- were  
4 to gain steam and pick up, I think you'd see probably  
5 maybe some increased, you know, peak demands --

6 COMMISSIONER BURMAN: Just demand?

7 MR. GJONAJ: -- forecasted, going forward.

8 COMMISSIONER BURMAN: And have we accounted  
9 for that?

10 MR. GJONAJ: The New York ISO takes into  
11 consideration the economic outlook and a whole -- a whole  
12 host -- a whole -- a whole host of parameters before  
13 developing the actual forecast demand and --

14 MR. MYERS: Commissioner --

15 MR. GJONAJ: -- they --.

16 MR. MYERS: -- I'll just point out, as --  
17 as Leka said, it really is energy -- it says it's on.

18 Is that better?

19 COMMISSIONER BURMAN: Yes. Thank you.

20 MR. MYERS: Okay. As Leka said, it really  
21 is energy efficiency and other behind-the-meter efforts  
22 that are -- that are changing the landscape.

23 If you look at the drop-off, we had a big  
24 drop-off with the economic crash of 2008. It hasn't been  
25 an overwhelming rebound, but nonetheless, employment and

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2 all the typical driving variables have come back up. And  
3 electric sales have not kept pace as they usually would  
4 have. And it appears to be a -- that the use per  
5 customer, especially in the commercial and industrial  
6 sectors, is going down.

7 COMMISSIONER BURMAN: Okay. Thank you.

8 MR. ADDEPALLI: That -- that's -- let me  
9 just also add that what Leka has shown is the base case.  
10 There are also scenario analyses done. One of them is  
11 typically high load, what happens if the load is higher  
12 than projected?

13 MR. GJONAJ: That's correct.

14 CHAIR ZIBELMAN: One more thing. The  
15 actual versus normalized in 2014-15, those are the effects  
16 of weather?

17 MR. GJONAJ: Primary -- primarily, yes.  
18 Last summer was fairly mild and you can sort of see where  
19 we ended up.

20 CHAIR ZIBELMAN: Any other questions?

21 MR. GJONAJ: If there are no -- oops, I'm  
22 sorry.

23 CHAIR ZIBELMAN: Go ahead.

24 MR. GJONAJ: I was going to say if there  
25 are no other questions, I was going to turn it over to my

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2 colleague, Paul Darmetko, to carry on with the next --.

3 CHAIR ZIBELMAN: I was going to do the same  
4 thing.

5 MR. GJONAJ: Oh, I'll let you do it.

6 CHAIR ZIBELMAN: Go ahead. You can do it.  
7 Go ahead, Paul.

8 MR. DARMETKO: Good morning, Chair  
9 Zibelman.

10 Good morning, Commissioners.

11 I'll be providing you with a summary of how  
12 the electric utilities have performed at reducing the  
13 electric supply price volatility of their full-service  
14 residential customers, go over the utilities' residential  
15 electric supply portfolio composition for this summer,  
16 compare this summer's forecast electric market price to  
17 last summer's prices, and then finally, provide you with a  
18 summary of how -- of the state's electric supply costs  
19 over -- over time.

20 This graph shows the results of the  
21 electric utilities electric supply price volatility  
22 mitigation efforts since June of 2008. It compares the  
23 average New York ISO market price volatility, the red  
24 line, with the volatility of the utilities' residential  
25 electric supply portfolios, the blue line.

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2 Or more simply stated, the line shows what  
3 the volatility of the utilities' portfolio would have  
4 been, had they simply purchased on the spot market, versus  
5 what it actually is because they engage in hedges. Each  
6 point on the line represents the volatility over a 12-  
7 month period measured by the coefficient variation.

8 As you can see from the chart, the  
9 utilities have continued to reduce the portfolio price  
10 volatility compared to the market price volatility. The  
11 recent high points on the chart represent the volatility  
12 that was experienced as a result of the polar vortex,  
13 winter of 2013-14, which I'm sure we all remember well.  
14 And the most recent run-up in the volatility and then the  
15 drop is a result of a combination of electric market  
16 prices steadily falling and a price spike that occurred in  
17 February of 2015.

18 This price spike was nowhere near as high  
19 as the prior winter, but did cause the volatility to rise.  
20 The sudden drop in volatility is due to the February price  
21 spike falling out of the 12-month rolling average.

22 This next slide shows the above- and below-  
23 market costs of the utilities' new hedges, as a percentage  
24 of total supply costs. These new hedges are the ones that  
25 were executed pursuant to the Commission's hedging

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2 policies. The blue bars represent the annual hedging  
3 gains and losses, compared to total supply costs since  
4 2005. Negative percentages mean that customers saved  
5 money, compared to what they would have paid had no new --  
6 had -- had no -- sorry -- paid if no new hedges were  
7 entered into and they paid spot prices.

8 As you can see, that in some years the  
9 hedges were in the money. In others, they were out of the  
10 money. But on a cumulative basis, over the past 11 years,  
11 the full-service, mass-market customers, have essentially  
12 paid no out-of-market costs.

13 Next slide.

14 This chart shows the elements of the  
15 composite residential electric supply portfolio for this  
16 summer. As shown, about 68% of the portfolio consists of  
17 fixed-price contracts and of those fixed-price contracts,  
18 the majority are financial in nature.

19 The fixed portion of the portfolio also  
20 includes newer physical contracts, older legacy contracts,  
21 and a small amount of the utilities' own generation, with  
22 fixed fuel costs, as well NYPA contracts. The balance of  
23 the portfolio is predominantly made up of market  
24 purchases, followed by relatively small amounts of the  
25 utilities' own generation, with variable fuel costs and

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2 index contracts, which are primarily indexed to gas.

3 This chart shows the summer's expected  
4 average energy market prices, based on IMEX futures and  
5 how they compare to last summer's futures and actuals, for  
6 New York City, Hudson Valley, and Western New York, where  
7 New York ISOs owns J, G, and A, respectively. Last  
8 summer's expected energy market price -- prices that we  
9 reported to you last May are in green. Last summer's  
10 actual market prices are in blue. And this summer's  
11 expected market prices are in red.

12 I'm sure you've noticed that last summer's  
13 actual market prices turned out to be quite a bit lower  
14 than what was expected going into the summer. The primary  
15 reasons for that are that very mild summer last year and  
16 also low demand and also low natural gas prices.

17 I'm sure you've also noticed that, at this  
18 point going in to the summer, it's expected that this  
19 summer's energy prices will be close to last summer's  
20 actual, again, driven primarily by low expected natural  
21 gas prices. These low expected market prices are good  
22 news for customers.

23 Next slide.

24 This slide shows what last summer's New  
25 York ISO strip auction capacity prices were and what this

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2 summer's strip auction capacity prices are. As you can  
3 see, this summer's strip auction capacity prices are a  
4 little bit lower than last summer's in all the capacity  
5 zones, with the exception of the rest of the state, which  
6 has stayed basically the same.

7 Next slide.

8 These last 2 slides that we have just  
9 provide a little bit of context in this history of supply  
10 cost New York State. This first slide shows the historic  
11 capacity cost. New York State had all the capacity, then  
12 purchased at market prices.

13 You can see that from 2012 through  
14 2014, the cost increased due to about 2,000 megawatts of  
15 generation retirements and increase in peak load forecast.  
16 And in 2015, the prices declined due to about a gigawatt  
17 of more supply available, as compared to the 2014 Gold  
18 Book projections.

19 Next slide.

20 This final slide takes the capacity  
21 cost information from the prior slide and stacks it on the  
22 estimated statewide energy and ancillary service costs,  
23 again, as if all those were priced at market.

24 This year, we also added a gas price -  
25 - some gas price information from the Energy Information

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2 Administration, to show historic relationship between  
3 electric supply costs and natural gas costs. And as you  
4 can see, there's a pretty high correlation between the gas  
5 prices and energy costs and that's because most hours,  
6 throughout the year, gas plants are setting the marginal-  
7 priced energy.

8 The jump in energy and ancillary  
9 service costs from 2013 to 2014 is mainly due to the polar  
10 vortex and high gas prices during those winter months. In  
11 2015, the energy price -- the energy and ancillary service  
12 cost dropped significantly, again, due to low gas prices.

13 The biggest takeaway, though, I think,  
14 however, from this slide, is that in 2015, customers paid  
15 about \$7 billion less in supply costs than they did in  
16 2008, which is a significant drop in supply costs.

17 So in conclusion, overall at this  
18 point, going into the summer, it's expected that supply  
19 costs will be about the same as last summer. But even if  
20 the market does experience unexpected price spikes, the  
21 full-service, mass-market customers won't experience full  
22 magnitude of those swings because of the utilities'  
23 hedging.

24 Okay. That concludes the  
25 presentation. Thank you.

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2 CHAIR ZIBELMAN: Thank you.

3 It seems to me that one of the other  
4 key takeaways in this slide, and we keep talking about it,  
5 but it's just -- anytime you see it, it's so dramatic. If  
6 you take a look at 2015 prices, there is basically, on  
7 average, of what they were in 2009 and '10, when we were  
8 in the midst of a recession. And it'll be interesting if  
9 you take a look at the load differentials between those 2  
10 years, right --

11 MR. DARMETKO: Yeah.

12 CHAIR ZIBELMAN: -- they would be  
13 fairly dramatic as to what we're paying per Btu.

14 MR. ADDEPALLI: That -- that's  
15 correct.

16 And also I should clarify, the \$7  
17 billion is not necessarily a consumer savings. What  
18 consumers paid is also affected by the hedges. This is  
19 purely priced out at the spot prices for the difference in  
20 costs -- supply costs, if priced at market.

21 2009-10, compared to now, again, the  
22 gas prices dropped, so that's another reason for why we  
23 have continued low electric prices.

24 CHAIR ZIBELMAN: We -- the other piece  
25 that I -- I think is -- is useful to point out is -- is on

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2 the hedging strategies. I -- we -- we talked about it  
3 with Staff, but maybe you want to just take a minute and  
4 talk about what our process is reviewing with the  
5 utilities, the hedging strategies, because this is always  
6 one of those tricky things.

7 When the market is declining, you --  
8 you kind of wish you hadn't -- you sort of like to be more  
9 exposed to the market. And when it's increasing, you  
10 wished you hedged. So it's a -- it's kind of like farmers  
11 and weather. It's always what they wished would've  
12 happened.

13 But maybe talk a little bit about our  
14 process that we use with the utilities to examine those  
15 hedging strategies.

16 MR. ADDEPALLI: Let me start. Feel free to  
17 jump in.

18 So the Commission expressed some policy  
19 guidelines in mid-2000s on hedging strategies for electric  
20 utilities and even gas utilities. At a broad level, the  
21 goals are to mitigate volatility, keeping costs in mind.  
22 We really have to have both of them together.

23 You want to minimize costs for a given  
24 level of a risk, or you want to minimize risk for a given  
25 level of cost, just like in financial portfolio

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2 management. So that's the underlying goal.

3 As to how they get there, typically, many  
4 of them, over time, have moved to more like a dollar-cost  
5 averaging type of principle, which is you continue to buy  
6 a preset amount of needed supplies and not necessarily try  
7 to time the market. No one is perfect in timing the  
8 market. And that's what you saw in the chart, that showed  
9 half the years in the last dozen years, they were out of  
10 money, and half the years they were in the money.

11 And typically, they've been hedging 1 to 3  
12 years, going forward. A few have done maybe up to 5  
13 years, depending on the resource that they were getting  
14 and the value to consumers from longer-term hedging.

15 So in terms of review, the Staff does meet  
16 every year with the utilities and discusses, in detail,  
17 their hedging strategies, their performance over the last  
18 years, and the changes that they're planning to make. To  
19 the extent there are certain shocks, like the polar  
20 vortex, totally unexpected, the utilities try to keep up  
21 and see what adjustments need to be made. Is this a new  
22 normal, or this a -- a blip?

23 So it's a pretty active -- reasonably  
24 active oversight of utility portfolio performance. And to  
25 the extent we have any problems and we can't solve with

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2 the companies, we will, again, bring them up to you. So  
3 far, we have not seen any major problems that we have  
4 identified. So it's a steady course.

5 CHAIR ZIBELMAN: And just to -- just for  
6 the record, when our utilities do this as a -- for their  
7 full-supply customers, they do not make any margin. This  
8 is just a strict pass-through on their supply. So it's a  
9 -- their hedging strategies are really just for the  
10 benefit of the customers.

11 MR. ADDEPALLI: That's correct.

12 CHAIR ZIBELMAN: Any questions for the  
13 Staff on the pricing or market forecast?

14 Commissioner Burman?

15 COMMISSIONER BURMAN: I just have a  
16 question that's related to summer preparedness, as to the  
17 emergency preparedness and customer outreach that's done.  
18 If you can just talk a little bit about that and what  
19 we're doing in that area?

20 MR. ADDEPALLI: For customer outreach?

21 COMMISSIONER BURMAN: First -- the  
22 first one is the emergency preparedness.

23 MR. ADDEPALLI: Oh, emergency --.

24 COMMISSIONER BURMAN: I think that's a  
25 Mike Worden question and then --

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2 MR. ADDEPALLI: Yeah.

3 COMMISSIONER BURMAN: -- just customer  
4 outreach.

5 MR. WORDEN: So on emergency  
6 preparedness, you know back in March, you approved the  
7 utilities' emergency plans. As part of those plans, there  
8 are definitely customer engagement aspects of those. All  
9 the utilities are in the process of going through drills  
10 of their emergency plans and -- and testing their outreach  
11 programs and doing outreach to customers, preparing for  
12 this summer. So that's been very active. In fact, we  
13 have people on Long Island today, participating in some of  
14 those exercises. So we've been very actively monitoring  
15 that effort.

16 COMMISSIONER BURMAN: Okay. Thank  
17 you.

18 And then as we head into the summer  
19 preparedness, are we doing anything different in customer  
20 outreach? Are utilities gearing up on their customer  
21 outreach, specific to summer issues that may percolate?

22 MR. CORSO: Consistent with what Mike  
23 just shared, the outreach Staff is working in concert with  
24 the emergency preparedness teams. They're part of the  
25 team and there's nothing new or different. They're just

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2 building the drills and practicing anything that may come  
3 up and taking all the best practices from what was done in  
4 the past, especially since Superstorm Sandy period. And  
5 as I understand it, the -- the drills and the efforts that  
6 are being done by the utilities have been going very well.

7 COMMISSIONER BURMAN: Thank you.

8 CHAIR ZIBELMAN: Any further  
9 questions?

10 Okay. Well, thank you, gentlemen.

11 So we will now move on to the second  
12 item.

13 COMMISSIONER BURMAN: Can -- I just  
14 wanted to comment a little bit. Not ask a question, but  
15 just comment on this.

16 For me, on the summer preparedness  
17 issue, it -- I know it's a for-information-only item and -  
18 - but I think it's one, despite the fact that we don't  
19 vote on it, it's a very important item and it's important  
20 that we have the information. So I do appreciate all of  
21 Staff's collaboration in working on this and making sure  
22 that, as we head into the summer, we are prepared.

23 The hurricane season starts June 1st  
24 and, actually, the peak in the northeast is August. And  
25 as we've seen before, you know, events can happen that

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2 cause us to need to be prepared for more than the normal.  
3 So the issue for me is always are we prepared to ensure  
4 that customers will continue to receive reliable and  
5 adequate service as we enter into the peak demands of a  
6 New York summer. And it's important, in my mind, for us  
7 to be prepared, not just for the normal, but also that  
8 we're prepared for any challenges that may present. And  
9 that's why it's important for me to know about our  
10 emergency preparedness, as well as the customer outreach  
11 and engagement, so that we can be on top of that.

12 We really need to ensure that utilities can  
13 show their ability to handle customer needs for the  
14 season, along with their contingency and communications  
15 plans for out -- outages. And I'm mindful that the system  
16 planning that's being done is not just by the Department  
17 of Public Service Staff, but by the utilities, the ISOs.,  
18 and the generators.

19 And the biggest takeaway for me, from the  
20 presentation today, is that customers should really feel  
21 confident that we're prepared for this summer.

22 So thank you.

23 CHAIR ZIBELMAN: Thank you.

24 And I would -- I think you're right in  
25 these reports are fairly clean, but there's an incredible

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2 amount of work that goes behind them and -- and the  
3 emergency preparedness plans. And I appreciate the work  
4 of Staff and the utilities in that regard.

5 With that, let's move on.

6 (Off-the-record discussion)

7 CHAIR ZIBELMAN: We're moving on to Item  
8 Number 201, which is Case Number 14-M-0565. And it  
9 relates to the proposal for a statewide framework for low-  
10 income programs.

11 Michael Corso, the Chief Consumer Advocate  
12 and Director of Office of Consumer Services, will be  
13 introducing this matter. And then Marty Insogna, who's  
14 Chief of the Consumer Advocacy Section, is here to present  
15 it. And also Luanne Scherer, as Deputy Director, is also  
16 here to answer questions.

17 So Michael, please begin.

18 MR. CORSO: Thank you, Chair Zibelman.  
19 Good morning.

20 Good morning, Commissioners.

21 In late 2014, the Chair created the  
22 position Chief Consumer Advocate and asked me to assume  
23 that position. With great respect and honor, I took that  
24 job. And I have to say, since that time, it's been a -- a  
25 thrill to be able to work with customer service, once

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2 again, in my career.

3 Immediately after we started, in that  
4 activity, Chair Zibelman and I had a conversation about  
5 engagement of consumer advocacy groups and strengthening  
6 our relationship with the outside parties because they can  
7 provide enormous help and insight in to things that are  
8 happening in the field. We created a Consumer Advisory  
9 Council in late 2014. And when we met, the first thing  
10 that came up -- and there were a number of things that  
11 were of concern, but the first thing that came up was the  
12 low-income programs needed to be strengthened and they  
13 needed to be more uniform because the advocacy community  
14 was spending enormous resources, fighting every element of  
15 design of the programs, in every rate case.

16 We heard that very loud and clear and Staff  
17 brought this back to the Chair. The Chair was extremely  
18 responsive. And you, the Commission, engaged us in  
19 setting up this proceeding. In January 2015, less than 90  
20 days after we heard this from the advocacy community, we  
21 opened up this case.

22 In that time period of researching,  
23 working, examining the programs run by the utilities to  
24 date, we learned a number of things. Most importantly,  
25 they were not consistent. A lot of different variety of

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2       how the rates and discounts were structured, the impetus  
3       for how those rates were developed, and the elements of  
4       the programs were not consistent with each other.

5               When we did that review, we understood,  
6       even more, the -- the concern the parties had and we also  
7       understood how much it was challenging for Staff because  
8       they were doing the same thing in each of the rate cases.

9               The goals that you set forth in the  
10       instituting order required us to ensure that we met the  
11       need of the consumer advocacy community, which was to have  
12       a uniform program, to make it consistent with Commission  
13       policies, and to look at best practices so we can develop  
14       a program which would effectuate improvement of the  
15       program to serve the low-income sector.

16               We think we did that here, and more. In --  
17       in the period of 20 -- the first half of 2015, we did that  
18       examination, worked with the parties, heard from the  
19       utilities and then developed the White Paper, which went  
20       out for public comment. That summer and fall of 2015, we  
21       did 12 public statement hearings, traveled around the  
22       state, and had enormous amount of input from consumer  
23       advocacy organizations, as well as direct customers, which  
24       was very helpful.

25               How helpful? Well, we changed the whole

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2 White Paper because we learned, from the consumer class  
3 that we were talking with, that there is really a need for  
4 substantial change and there was improvement opportunities  
5 that we needed to take a hold of and we did.

6 So we worked hard to change the program, to  
7 make it uniform, to make it consistent with Commission  
8 policies, and to do everything we could to effectuate an  
9 impact that made sense to the community that we heard  
10 from, including the advocacy community, as well as  
11 customers directly.

12 The big headline of what we've done is,  
13 instead of giving discounts that were negotiated in rate  
14 cases, we've come up with a uniform way to look at energy  
15 affordability by looking at energy burden. This order  
16 before you has an opportunity for the Commission to really  
17 make an impact on affordability.

18 We are proposing that 6% of income is the  
19 ceiling of what customers would pay, on average, for their  
20 energy costs. We have learned that customers -- low-  
21 income customers were paying between 15 and 25% of their  
22 income for energy and it was just not -- affecting their  
23 ability to keep the lights on and the heat on.

24 So we bring before you a very, I -- I'd  
25 like to say, elegant proposal, which tries to accommodate

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2 all the things you asked us to do to try to meet the needs  
3 and interests of the consumer advocacy community,  
4 representing the consumers that we're trying to serve.

5 And one other point I want to raise, before  
6 I turn it to Marty, is that while we always work with our  
7 state agency partners and other agencies that are involved  
8 in energy sector, like OTDA, the Office of Temporary  
9 Disability Assistance, and NYSERDA, and the Housing  
10 Community Renewal Organization, we work with them  
11 regularly and we have relationships for a long time. But  
12 we think that we need to formalize that a little bit more  
13 so that we can, together, work as a state, to effectuate  
14 the kind of changes that the Commission is thinking about,  
15 as well as the Governor is thinking about.

16 We have a very important opportunity here  
17 to help the low-income sector be -- having more affordable  
18 energy and to be able to be served in a way that everybody  
19 is being served. We're trying to bring everything in to 1  
20 center point and I believe very much that this program is,  
21 as it's set forth right now, a -- has grown to be a level  
22 of support which is significant and meaningful to the  
23 customer base we're trying to serve, and gets to all the  
24 Commission goals.

25 Marty?

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2 MR. INSOGNA: Good morning, Chair

3 Zibelman.

4 Good morning, Commissioners.

5 CHAIR ZIBELMAN: Welcome, Marty.

6 MR. INSOGNA: John, could I have the -  
7 - the first slide, please?

8 This slide shows the percentage of  
9 household income that is spent by households of various  
10 income levels, on a annual bill of \$2,640, which turns out  
11 to be about an average bill across the state. Rates vary  
12 across the state, usage levels vary across the state, but  
13 for a customer who takes gas heat and also has electric  
14 service, \$2640, or on a levelized basis, about \$220  
15 monthly, is about an average bill.

16 And what this shows, I think very  
17 dramatically, as Michael was mentioning, is that the --  
18 the burden on households, as income decreases, to pay --  
19 to be able to afford that bill increases dramatically as  
20 income decreases, particularly for those at the -- at the  
21 lowest end of the scale.

22 Those income levels that are on there,  
23 they may be hard to see on the projection, but they  
24 roughly correspond to the -- to the percentiles of income  
25 in New York State. So you're looking at the -- the bottom

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2 10%, the next 10, and so on. So those last 3 bands are --  
3 are really the -- roughly 30% of households in New York  
4 State who are at or below 200% of federal poverty level.

5 And one of the -- the key insights  
6 that we developed from looking at this data is that the --  
7 the programs that we have in place today, which generally  
8 provide kind of a one-size-fits-all discount, were really  
9 not very efficient. For customers who are maybe just  
10 below that level and are maybe struggling a little bit,  
11 some -- in some cases, the discount we were providing was  
12 too much. And for those at the lower end of the scale,  
13 they were not nearly enough. So that's what really guided  
14 the design of the program that we put before you today.

15 6% is a level that other states use in  
16 percentage-of-income type programs, so it seems like a  
17 reasonable and achievable goal. It does have some logic  
18 behind it. 30% of shelter -- of -- of household income,  
19 as a -- a cost of shelter is a frequently used statistic.  
20 For example, lenders consider that a mortgage payment  
21 that's affordable would be 30% of your household costs.  
22 And it also seems reasonable that your household energy  
23 should be no more than 20% of your shelter cost. So if  
24 you take the 20% of the 30%, that's kind of how you get to  
25 the 6%.

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2 So it does seem to us like it's a  
3 reasonable goal and it also corresponds to what the U.S.  
4 Energy Information Administration indicates is at the  
5 upper end of what middle- and upper-income customers pay.  
6 Again, as you can see on the chart, that would generally  
7 be between 1 and 5% of income.

8 Achievement of that 6% energy-burden goal  
9 for all the low-income utility customers in the state will  
10 require a phased approach. Among other things, it'll --  
11 it'll involve establishing new mechanisms for identifying  
12 those customers because, right now today, we don't even  
13 know who they all are.

14 As a first step, the order would have the  
15 utilities open their low-income discount programs to all  
16 customers who receive a HEAP benefit. And that would be  
17 regardless of fuel or benefit type. Today, the -- most of  
18 the utilities' programs only reach the customers on whose  
19 behalf the utility itself receives a benefit. So that  
20 will be a -- a fairly significant increase in the number  
21 of customers served.

22 Con Edison will be allowed to continue its  
23 existing file-match approach, which extends its program to  
24 6 or 7 other different programs that go beyond HEAP. And  
25 National Grid New York, the -- the gas utility serving the

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2 -- the New York Metro Area, will also be allowed to pursue  
3 that approach. The New York City Metro Area presents, we  
4 think, some sort of unique challenges and opportunities  
5 for identifying and -- and enrolling the -- the eligible  
6 customer population. And so we think it's appropriate for  
7 -- for those utilities to -- to engage that approach.

8 The order would set a standard process for  
9 setting the benefit levels, but utilities will be allowed  
10 some flexibility in how they implement that approach. We  
11 would want to see alternatives that would accomplish  
12 essentially the same results and not leave any portion of  
13 the customer population underserved, but they do have some  
14 flexibility in the way that the discounts are designed.

15 The basic approach is the affordability  
16 block that was set out in the Staff Report. In other  
17 words, it's a discount of a fixed amount that is based on  
18 an average bill for a residential customer in that service  
19 territory.

20 For the discount setting purpose, we did  
21 establish a -- an adder of 10%. So it's 110% of the  
22 average bill. And this is designed to address the concern  
23 that there are legitimate reasons why low-income  
24 households may use a bit more than the average. They tend  
25 to live in older housing stock that tends to be drafty and

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2 poorly insulated. They may have older appliances that are  
3 less efficient. And so this is designed to address that.

4 We have adopted an approach that varies  
5 that level of discount, based on level of need, with the  
6 level of need as demonstrated by receipt of one or more  
7 HEAP add-on benefits. The key to this is that for the  
8 utilities, it's relatively simple to identify the level of  
9 need that each customer faces because it's basically  
10 information that's coded in the HEAP benefit.

11 So if they get a benefit of \$350, they're  
12 in the first tier. If it's \$375, they're in the second  
13 tier. And if it's \$400, they're in that third tier. And  
14 that would roughly correspond to those -- those last 3  
15 columns in the chart.

16 We have developed a -- a relatively  
17 simplified and revised calculation methodology, compared  
18 to what was in the Staff Report, which many of the  
19 utilities found kind of confusing and hard to follow. So  
20 we -- we tried to simplify that and -- and make it a  
21 little easier to follow what we were trying to do.

22 Statewide -- John, you can go to the next  
23 slide. Thanks.

24 Statewide, this program will serve 1.65  
25 million customers and will cost approximately \$248

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2 million. That's an increase of about 87% over the  
3 programs that are in place today. And this slide kind of  
4 shows that level of expenditure kind of in context with  
5 some of the other major programs that address energy  
6 affordability in the state.

7 By far, the largest program in the state,  
8 and still a little bit more than half of the -- the  
9 spending overall, will be from the HEAP Program, which is  
10 administered by the Office of Temporary and Disability  
11 Assistance. And the other 2 wedges of the pie are energy  
12 efficiency programs that are run, respectively, by  
13 NYSERDA, through the Empire Program which directs no-cost  
14 energy efficiency services to low-income households, and  
15 the Weatherization Assistance Program, which is  
16 implemented by the Department of Homes and Community  
17 Renewal.

18 There are a couple of other details to the  
19 program. The program participants would be enrolled in  
20 budget billing. Budget billing is an important benefit.  
21 Utilities are actually required to offer budget billing  
22 plans by the Home Energy Fair Practices Act, or HEFPA.  
23 It's a -- a -- an important benefit because it levelizes  
24 the cost, over the year, of variations in bills caused by  
25 seasonal variations from heating during the winter.

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2 So it's important as a benefit in its own  
3 right. It's also important in the context of this program  
4 because some of the new benefit levels, the discount  
5 levels, are -- particularly for the -- the lowest-income  
6 customers, are quite large and can actually exceed a  
7 minimum bill. Participants in the -- in the program will  
8 have the option to decline, if they wish.

9 We also addressed some other program  
10 components that are part of utility programs today, such  
11 as arrear forgiveness and reconnection fee waivers. Those  
12 programs will both be continued for utilities who see  
13 value in -- in those program components, but they -- the  
14 order would provide limitations on the level of program  
15 expenditures that go to those particular categories, 10%  
16 for arrears forgiveness and 1% for reconnection fee  
17 waivers.

18 That a -- a brief summary of what's in --  
19 in the order. And I'll turn it now back to Michael for  
20 any concluding comments he may have.

21 MR. CORSO: Thank you, Marty.

22 Just a couple quick points. And I'll --  
23 I'll start by saying you well know that the Commission,  
24 throughout the years, have been extremely supportive and  
25 lead -- and provided leadership and support for low-income

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2 consumers. When I first came to the Commission in 1986,  
3 my director, then Lisa Rosenblum, my first assignment was  
4 she handed me a letter from the Department of Social  
5 Services and said they're complaining that customers are  
6 getting HEAP payments, but they're being cut off. Their  
7 service is being terminated. Go work on that.

8 I didn't know what it exactly meant to go  
9 work on that, but I guess I found a home here because I've  
10 been working on low-income issues since that day and I've  
11 been here 30 years and it's been a passion for me and I  
12 appreciate it.

13 The long-standing support has shown up in  
14 so many ways with utility programs and assistance to low-  
15 income consumers, both in energy and telecommunications.  
16 The Lifeline Program, here in New York, started in 1987  
17 and I was involved with that very much. And that program  
18 has gone through a lot of metamorphosis and change, but  
19 the Commission has been supportive of it throughout time  
20 because we recognize and this Commission has led the way  
21 in making sure that all customers had every opportunity to  
22 have safe and reliable service at just and reasonable  
23 rates, which is our mantra. And we are proud to -- to  
24 live by that rule.

25 One of the things that I find very helpful

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2 and I appreciate the Commission's leadership here, as  
3 well, is as we develop other big initiatives like REV, the  
4 Clean Energy Fund, Community Choice Aggregation, Community  
5 Solar and DG, every one of those programs has a particular  
6 focus to make sure that low-income is included, low and  
7 moderate income. And we have now made that a pillar of  
8 the work that we're trying to do in the Consumer Services  
9 Office, with our colleagues across the Department because  
10 of the leadership the Commission has taken in this area.

11 This program is a very strong component of  
12 how to make all these things work best. We're going to  
13 provide the best opportunity for financial assistance, but  
14 we're also going to make sure we synergize with other  
15 programs to provide energy efficiency and weatherization,  
16 as well as clean energy options, which can help lower  
17 bills.

18 The last thing I just want to say is we  
19 have a very strong Staff team from my office, the Office  
20 of Accounting, Audits, and Finance, and the Office of  
21 General Counsel that help put this together. And I won't  
22 mention all the names; I'll just say I thank all of them  
23 for work -- working diligently to bring this to you. And  
24 because of my passion for this work, I'm very proud to  
25 bring this to you for consideration today. And we stand

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2 ready to answer any questions you may have.

3 CHAIR ZIBELMAN: Thank you. Thank you,  
4 Michael and Marty.

5 And first of all, before I begin on, you  
6 know, why I think this order's so important, I also want  
7 to extend my appreciation to the Staff team, that's --  
8 that's worked on it, has put up on -- with the Commission  
9 because I know we've had lots of back-and-forth and lots  
10 of ideas that we've gone through.

11 And particularly, I want to also extend my  
12 appreciation to the representatives of the low-income  
13 community. I think you were extremely helpful in this  
14 proceeding to help us understand the challenges and -- and  
15 help to find a path forward, as well as the utilities, in  
16 -- in terms of what's feasible.

17 I want to just -- a few things about this  
18 order that I -- I -- I find particularly important and --  
19 and, frankly, I think just a wonderful statement on -- on  
20 what we're trying to achieve at this Commission. So the  
21 first, I'd say is setting the target of affordability. I  
22 mean, I think looking at 6% and that -- as I understand  
23 from our calculation, that will be able to serve, once we  
24 get all the programs going, 2.3 million households, right  
25 --

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2 MR. CORSO: Uh-huh.

3 CHAIR ZIBELMAN: -- in New York, that today  
4 are probably below 200% federal poverty line. So this is  
5 really a huge step forward to making sure that -- that it  
6 -- there's affordability and that -- that is through the  
7 discount programs alone.

8 Important thing, however, is that I think  
9 6% even is too high. From the perspective of the fact  
10 that if we take a look at the income levels and people in  
11 higher income brackets are paying 1, or 2%, or maybe less  
12 than 1% and then we have folks in lower-income brackets  
13 paying 6%, we should be aiming lower. And -- but we know  
14 that we have an affordability issue and that we don't want  
15 to shift costs to other consumers because then you create  
16 a problem for the consumers who may just be above the low-  
17 income communities and above. And so we've capped it at  
18 2% on utility revenues and we'll deal with the individual  
19 allocations in rate cases.

20 But I think what's really important is --  
21 is that those 2 become sort of the bookends of what we're  
22 going to achieve. And then the question is well, then how  
23 do we get below there. And that's really where the work  
24 of NYSERDA, on -- and utilities around energy efficiency  
25 and innovative programs, to help drive down costs for

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2 consumers, certainly the work of HEAP and -- and OTDA on  
3 those things, as well as the housing industry.

4 So it really, to me, becomes a -- a great  
5 effort, really, for the State to apply all of its  
6 resources. And we're appreciative of the fact that  
7 Governor Cuomo has said let's get a task force, let's work  
8 together, and let's get this done, so that we are actually  
9 then moving forward in a direction. And while Michael  
10 might have spent the last 30 years working on these  
11 issues, we'd like to put him on other issues and start  
12 solving this -- this set of problems. So I think this --  
13 you know, to me, that's -- that -- that is great because  
14 it all sets -- we all now know where we're going.

15 The other pieces about this order that I  
16 think are -- are really important is -- again, is the task  
17 force, but I think that's important for -- for 2 reasons.  
18 One is it doesn't then become a casual issue of who you  
19 know and do we have relationships across the various Staff  
20 agencies because I know that our Staff across the agencies  
21 -- because I know people want to work together. But  
22 actually having a group with a defined goal will help us  
23 institutionalize the programs and, I think, keep the  
24 momentum going well beyond any individual sitting in this  
25 seat. And that's -- that's -- I think is very important.

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2 But the other is -- is something that  
3 really resonates with me, personally, just because of the  
4 happenstance. When I was coming on board at the  
5 Commission, there was an incident in the Bronx where 3  
6 children, I think -- 2 or 3 children died in a fire. And  
7 it turned out that there were candles being used in the  
8 home because they had been turned off -- electricity had  
9 been turned off. And rightfully so. They had not paid  
10 the bill in -- the process had gone through, but still  
11 tragically so.

12 And as a consequence, what we realized is  
13 that -- that when people are in duress and they're not  
14 paying their electric bill, there's probably a huge other  
15 constellation of issues that are going on, that are  
16 putting that family in distress and the failure to pay the  
17 electric bill is probably just one signal of a lot of  
18 other things that happen. And if we could work together  
19 as state agencies, then we have, I think, a much-better  
20 chance of figuring out how do we intervene and get  
21 families who are struggling in a much-better position,  
22 before their bill -- before their meter's taken, because  
23 if the meter's taken, that's sort of a failure of all of  
24 us who really don't want to put people in that position.

25 So I think that this -- that what we're

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2 trying to do here is say okay, we will work on the front  
3 end and making sure it's affordable. But by having these  
4 groups work together, we should be in a position that  
5 really no New Yorker should ever be in a position that  
6 they have their meter pulled because they were incapable,  
7 as opposed to unwilling to pay their electric bill. So  
8 that's -- that, to me, is very important work.

9 I know today, for most utilities, we're at  
10 1.2%, if we -- we take a look at this, of their revenues.  
11 Also for, I believe, NFG and for the Upstate Buffalo area  
12 that it's a much harder problem. And so one of the other  
13 reasons I like this collaborative approach is now, we're  
14 going to be able to focus on the areas that are struggling  
15 the most and make sure we're applying the other -- the  
16 state resources that would be complementary to the  
17 discounts, so that we're targeting those areas. So  
18 that's, I think, going to be important because we're  
19 shining the light at the problem, understanding the gap  
20 and now we can collectively look to -- to solve it.

21 The last thing about this order, that I  
22 think is -- is well-crafted and I -- I love your word  
23 elegant in my book because that's a -- a good way to  
24 describe how this gets done, is recognition that we want a  
25 very consistent policy approach across the state.

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2 Everybody, no matter where they live in New York, should  
3 be in the same position, relative to their burden on  
4 paying for energy, gas, and electric.

5 But consistency and uniformity don't  
6 necessarily have to be the same. There are variations  
7 among the utilities. Different utilities have different  
8 ways of applying it. And so we want the utilities to  
9 apply the best way for them, not necessarily try to fit  
10 into a box, when they're really a -- a round peg.

11 And so part of the order is to try to  
12 create this balance between a consistent policy,  
13 consistent discount approach, but not insist on  
14 uniformity, if it -- if there's a better way to -- to go  
15 about it in terms of how the discount occurs, where they -  
16 - where it gets allocated, et cetera. That's where we  
17 expect some individualism.

18 The other thing that I think is very  
19 important about the order is -- is that it -- it  
20 immediately expands the program from where we are today,  
21 to an additional, I think, 550,000. And then it puts us  
22 on the trajectory to where we should be as the 2.3.

23 So again, well done. I think -- I  
24 appreciate the work of the Staff. I appreciate your  
25 patience and willingness to be open to suggestions, not

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2 just by -- from the Commission, but from the parties, on  
3 how to get this done in a way that effective.

4 And Michael, I -- one thing I would have to  
5 note, when I did ask you and say well, let's do it, you  
6 said that's great. Let's -- we -- we're going to get this  
7 done. So I appreciate it. And you held true to your  
8 promise.

9 So I'm prepared to vote for this order.  
10 Any further questions or comments?

11 Commissioner Sayre?

12 COMMISSIONER SAYRE: This is a landmark  
13 item, based on tremendous Staff effort and a lot of help,  
14 substantial input and help from the low-income interest  
15 and advocacy groups and the utilities, too.

16 While we're restructuring the energy  
17 industry, we're acting early and decisively to make sure  
18 that we take care of low-income customers as we move  
19 forward with that restructure.

20 Staff has worked for many months on this  
21 item. And it's the end of a very long process, but  
22 certainly not the end of the road. Staff has done, in my  
23 view, a terrific job of balancing a number of difficult  
24 and conflicting goals, consistency across utilities,  
25 sufficiency of the amount of benefits, targeting of the

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2 benefits to the customers who need them, simplicity in the  
3 administration, and the overall affordability of the  
4 program in terms of its burden on other customers.

5 I'm very happy to support this item and I'd  
6 like to state my hope that we can continue to refine it in  
7 the future, particularly as we get bigger and better --  
8 big data and the ability to use it, we can find ways to be  
9 even more effective in scaling and targeting the benefits,  
10 based on need, without losing the key objective of an  
11 easy-to-administer program.

12 So I'm happy to support this item.

13 CHAIR ZIBELMAN: Thank you.

14 Commissioner?

15 COMMISSIONER ACAMPORA: Well, I've been  
16 waiting for this, too, Michael, just like you.

17 This is something that New York really has  
18 struggled to come to this for a long time. And I'm happy  
19 that this day is here. And I know, in asking questions  
20 with regard to what other states are doing, I was  
21 particularly interested in what some of the surrounding  
22 states, particularly Ohio, who I've been listening to for  
23 years at conferences, talk about what they've been doing,  
24 Pennsylvania and New Jersey.

25 And I think the time is right now, for New

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2       York to adopt a statewide standard. Let's be honest. If  
3       there were 3 lines and 1 was a low-income line, 1 was a  
4       middle-income line, and the other was the very wealthy  
5       line, no one would be running to be I'll be in the low-  
6       income line. So we have a responsibility to make sure, as  
7       the Chair had said, I don't want to read about fires  
8       happening because people are lighting candles to stay  
9       warm, using kerosene heaters. We're talking about people  
10      of all different ages, single mothers, elderly people,  
11      through no circumstances of really their own, are stuck in  
12      this situation.

13                The weatherization programs have been  
14      great, but we know the housing stock, where low-income  
15      people have no other choice to go, is really old and so  
16      the weatherization programs help, but it still is good to  
17      be able to afford to have your heat on, too, and your  
18      lights.

19                So I think that we've come a long way. I  
20      love the idea of an inter-agency task force because I  
21      think this will make this program more efficient, and  
22      heaven forbid government be efficient. So I -- I think  
23      that by doing this, it will set a standard that there will  
24      be other matters that not only will become before us, but  
25      will -- that exist in government, that this can showcase

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2 how you really can zero in when you see something that is  
3 wrong, who best can address the issue and get to it.

4 And I know that there are groups that said  
5 we could do more and there are groups that said we should  
6 do less. So as usual, if we land up somewhere in the  
7 middle, it means that we must be doing something right and  
8 that we always can go back and address the matters as they  
9 go on. And you know, I'm hopeful, with all the  
10 initiatives of the Governor and also the Legislature, to  
11 create jobs and if energy prices stay low, this will also  
12 help people get out of the low-income stratosphere that  
13 they've been stuck in forever.

14 So I'm prepared to vote for this. I thank  
15 you all for the work that you've done, along with the  
16 other agencies. And I think, again, this will stand as a  
17 model that other states will be looking at now, that they  
18 don't have a statewide framework for this.

19 So I'm proud to endorse this and thank you  
20 for all your hard work.

21 CHAIR ZIBELMAN: Thank you.

22 I have a -- I think we kind of just came up  
23 with a good mantra for the task force, Michael.

24 MR. CORSO: Okay.

25 CHAIR ZIBELMAN: It's going to be if you

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2 see something, do something.

3 MR. CORSO: Even if you don't see it?

4 CHAIR ZIBELMAN: Yes. Touché. Touché.

5 COMMISSIONER ACAMPORA: If you sense  
6 something.

7 COMMISSIONER BURMAN: So I'm going to be, I  
8 guess, Debbie Downer.

9 I very much appreciate the hard work that  
10 Staff has done, extremely appreciate it. I believe that  
11 we have very dedicated Staff, who have been working for  
12 many, many years on these issues and working through the  
13 challenges that are there.

14 I -- I -- I kind of look at it and want to  
15 set the stage for my remarks. And then I do have some  
16 specific questions because I am confused by the order.

17 In January 2015, the Public Service  
18 Commission, as a body, commenced this proceeding to  
19 examine the low-income programs offered by the major  
20 electric and gas companies in New York State. The  
21 expressed concern at that time was that there was a grow -  
22 - there were a growing number of residential customers  
23 with overdue utility bills and increased service  
24 terminations.

25 The main purpose of the proceeding was to

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2 commence a review to assess the adequacy of the  
3 Commission's low-income programs to see if there were any  
4 best practices appropriate to implement statewide, to  
5 streamline the regulatory process, and ensure consistency  
6 with the Commission's statutory and policy objectives.  
7 Such review and recommendations were expected to come back  
8 before the Commission for decision, to give guidance for  
9 implementation, as appropriate, in the then upcoming 2015  
10 rate cases.

11 Also in January 2015, a notice seeking  
12 comments was issued that sought answers to relevant  
13 questions. The utilities, low-income advocates, Staff,  
14 and other stakeholders, formally collaborated with the  
15 goal of helping to inform the Staff, prior to the  
16 publication of the report that would issue recommendations  
17 for the Commission's review.

18 On June 1st, 2015, Staff filed a report  
19 which included a Straw Proposal. In July, 2015, a  
20 technical conference was held in our Albany offices. This  
21 technical conference resulted in a passionate discourse,  
22 with the stakeholders present, over the Staff  
23 recommendations and how to allow for more effective  
24 engagement of low-income New Yorkers.

25 Initial comments and reply comments to the

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2 Staff Report were encouraged. In fact, we received  
3 robust, at times, pointedly negative comments and spirited  
4 questioning of the adequacy of the report.

5 The Commission then held 12 public  
6 statement hearings in 6 locations around the state. I had  
7 the opportunity to attend, I believe, the majority of such  
8 hearings. We had significant attendance at these hearings  
9 with, again, passionate folks who took the time to explain  
10 their personal and, for some, heart-wrenching situations  
11 and circumstances, and offer their thoughts on what more-  
12 effective low-income programs they would like to see.

13 A review of the public non-party comments  
14 shows over 81 comments received, the majority of which  
15 expressed that they would like to see improvements in the  
16 execution of the low-income programs. I do note that a  
17 significant number of these comments addressed issues that  
18 may be beyond the scope of this proceeding and likely the  
19 scope of the Commission's jurisdictional authority.

20 However, to the extent that those who  
21 provide services to the low-income community, especially  
22 OTDA and Social Service agencies, to the extent that they  
23 can benefit from those comments, I would encourage a  
24 review of such comments. For example, a majority  
25 discussed standing for long times in the cold, at times

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2 with -- they were sick, with children and missing work,  
3 waiting to apply for HEAP.

4 It is not disputed that each utility has a  
5 low-income program that has been approved by the  
6 Commission to serve the specific needs of each utility's  
7 customer base. We have had a rich history of working  
8 through that in rate orders and -- and looking at how to  
9 work with the -- all the parties and come up with  
10 collaboration. And the majority of those were worked  
11 through with joint proposals, with advocates supporting  
12 the proposal. Not always.

13 They have not -- these -- these low-income  
14 programs have not stayed stagnant, but have been, over the  
15 years, improved and modified. It is a laudable goal to  
16 try to more keenly identify customers who need assistance  
17 and offer them more robust programs to best need -- meet  
18 their essential energy needs.

19 The balance is how to do so without unduly  
20 overburdening other ratepayers and keeping in mind we are,  
21 foremost, economic energy regulators, not social policy  
22 interventionists.

23 I do understand the frustration of those  
24 low-income customers who feel we do not take seriously  
25 their concerns, or fully understand their plight. I do

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2 believe that was one of the core objectives of commencing  
3 this proceeding, of appointing a consumer advocate, and  
4 identifying other opportunities for low-income engagement.

5 But unfortunately, this frustration is not  
6 easily rectified by merely mandating utilities to  
7 dramatically increase their low-income programs without  
8 careful consideration of the sustainability of such  
9 endeavors, and the costs to do so, and how the programs  
10 will work in a particular utility area, based on relevant  
11 factors that may be unique to that community. I believe  
12 changes to existing low-income assistance programs must be  
13 carefully considered with the goal of -- of -- of  
14 providing appropriate benefits to low-income customers in  
15 a manner that carefully balances the interest of all  
16 customers and those that are left to pay the costs.

17 We must also look to how we do so, properly  
18 aligning with our ongoing proceedings, programs, and  
19 stated goals, within our core jurisdictional powers.  
20 First and foremost, the goal should be to ensure essential  
21 services are provided. We can't lose sight of the reason  
22 for the commencement of this proceeding was to reduce  
23 overdue utility bills and increased service terminations.

24 I am disheartened that I believe the Draft  
25 Order merely seems to be a glossier, updated version of

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2 the July 1st, 2015, report. I believe we must continue to  
3 engage the stakeholders, as their input regarding  
4 affordability is paramount to developing a rational and  
5 balanced approach, to meet the needs of a vulnerable  
6 population. It's important to this process to ensure we  
7 have the most effective and efficient low-income programs  
8 and properly setting up the metrics, to evaluate, measure,  
9 and verify the success of these programs. The -- the  
10 proper role to look to implement these framework  
11 principles is in rate cases.

12 I do believe that we tried to set out the  
13 principles in here, but when I read it, I'm having a hard  
14 time understanding what is actually a directive that's  
15 going to not be changed in the rate case and what is going  
16 to be the collaborative process as we move forward.

17 I'm uncomfortable within an order, that's a  
18 Commission order, stating that we are setting up a  
19 statewide task force. I don't believe that it's our role  
20 to -- to mandate a statewide task force of a -- of state  
21 agencies.

22 I believe and I'm disheartened to hear that  
23 we still have a long way to go with making sure that our  
24 sister agencies are working with us. And I look forward  
25 to that. But when I look at the order, the Draft Order

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2 that sets up a statewide task force, it's unclear to me  
3 what the role is.

4 Are we the heads of the task force? Will  
5 they be coming back with specific recommendations, as  
6 appropriate, to us? How does the task force meet? How is  
7 it going to work?

8 And then how does it work with -- we  
9 already have a Consumer Advisory Council. NYSERDA has a -  
10 - a -- a LMI working group that's supposed to be working  
11 with all the different sister agencies. We have the New  
12 York Life -- Life steering committee that meets every year  
13 -- they'll be meeting next week, as well -- that's  
14 supposed to be looking holistically at all of these  
15 issues.

16 We have the Clean Energy Advisory Council  
17 that also has a role in this. And then when we look, we  
18 do have several different proceedings, that overlap and do  
19 touch, rightfully so, what it means for low-income issues.  
20 We have a Community Distributed Generation low-income  
21 proceeding that they have been having working groups.  
22 There are -- the last working group, I believe, met in  
23 January, possibly of 2015, if I'm not mistake -- '16. I  
24 believe that we're waiting for a Draft Report on that,  
25 which will inform us on the Community Distributed

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2 Generation low-income proceedings.

3 When I look at the notes that are on our  
4 website, I think what it shows to me is the robustness and  
5 the engagement of the working group on those issues. And  
6 it's not just limited to Community DG They talk about a  
7 number of other significant low-income issues.

8 So my concern is that setting up this task  
9 force is just creating another group that's going to start  
10 meeting and working together, but yet, there are all these  
11 other ones that are not necessarily linking up.

12 I do look forward to seeing what's  
13 happening in the Community DG low-income proceeding  
14 because I think that will help us -- inform us. I do  
15 think it's important that when we look to what we can do,  
16 we look at the energy efficiency programs and we make some  
17 evaluation of what's working and what's not.

18 If you go back to slide 3 -- if someone can  
19 pull that up for me. Thank you.

20 Slide 3 is not complete. Here, it talks  
21 about our low-income energy assistance programs. What I'd  
22 like to see, from a data perspective, is also how it works  
23 and the pie charts and working through with the New York  
24 Sun. There's an aspect of the New York Sun that's  
25 dedicated, the funding for the low-income. The Clean

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2 Energy Fund had low-income funding for that. Empower New  
3 York is here.

4 But I'd like to see how that works and  
5 matches up and what -- how it -- the -- give me examples  
6 of specific -- of specific customers -- obviously not  
7 their names. But when you look at it, to the extent that  
8 Customer A is making how much money, raising how many  
9 children, and what the different obstacles are, and what  
10 the different programs he or she may be in, and then how  
11 does it work. What's the success of that? Has that  
12 person been helped, not just with being given money, but  
13 actually having success in being able to reduce his or her  
14 bills, to not have a service termination the next time?

15 When I look at it, I know that we've talked  
16 and we had a presentation before on the energy prices  
17 being decreased. Have we seen -- since there's been a  
18 decrease in energy prices, have we seen a decrease in  
19 service terminations?

20 MR. INSOGNA: In fact, there has been a  
21 decrease in terminations, compared to the previous 12-  
22 month period, and also a decrease in -- in arrears.

23 COMMISSIONER BURMAN: Okay.

24 MR. INSOGNA: So both --

25 COMMISSIONER BURMAN: I think --

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2 MR. INSOGNA: -- both have --

3 COMMISSIONER BURMAN: -- that's a --

4 MR. INSOGNA: -- gone --

5 COMMISSIONER BURMAN: -- that's --

6 MR. INSOGNA: -- down.

7 COMMISSIONER BURMAN: -- information that's

8 important for me. Just like we had for our summer

9 preparedness, where we had years and forecasting and you

10 could see the diagram, I'd like to see what it is. We

11 have the metric -- we get, annually, from the utilities,

12 information on service terminations. We get, I think,

13 monthly data from them on where they are and how many of

14 their customers are taking advantage of their programs.

15 So I'd like to see us really drilling down.

16 And this is what I said when we opened the proceeding in

17 January 2015. I'm not opposed to collaboratively working

18 together and making sure that our low-income programs are

19 efficient and effective as possible. My concern is that

20 we're not actually doing the deep dive and the drilling

21 that we need to do.

22 It's fine that we have an energy burden

23 goal of 6%. But I'm not sure that just relying on it

24 because New Jersey and Ohio has it tells the story.

25 What's different? New Jersey and Ohio have different

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2 pockets. They have different programs. It's not an  
3 apples-to-apples comparison.

4 So what I'd like to see is that we actually  
5 come and that we're actually drilling down on the -- the  
6 data and the date -- the -- not -- not outdated data, but  
7 actual real utility data and understanding of what's out  
8 there, and how it's matching up, and that it can really  
9 showcase, for us, if we're meeting the metrics that we --  
10 that we need to meet, so that we can say that it is  
11 successful.

12 If it's not successful, we should be honest  
13 about that and we should be looking that.

14 I want to see how it matches up with the  
15 NYSERDA programs, with energy efficiency. Just because  
16 you're a low-income customer does not mean that your  
17 energy use is less. It actually may mean that it's more  
18 or it's not as efficient. We need to understand that. We  
19 need to understand that customer base.

20 One of the things, for me, is trying to  
21 figure out where we have budgeting, but then there's a  
22 point when we say that if you have too many people coming  
23 in -- and I may be -- I can find the actual page, if you  
24 want -- to continue on and don't worry if you're going to  
25 be over budget, we'll rectify it the next year. Can you

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2 explain that to me?

3 MR. INSOGNA: Sure. It -- in principle,  
4 it's really no different from the way the low-income  
5 programs operate today. Generally, utilities are provided  
6 a certain budget to accomplish a given purpose. And they  
7 can -- they -- they can potentially accomplish that  
8 purpose more cheaply than the rate allowance that's in  
9 revenue requirement and utilities can find profit  
10 opportunities in those -- in those efficiencies.

11 Low-income programs are -- are one of the  
12 areas where the utility really isn't susceptible to  
13 efficiencies. The programs basically have to serve  
14 everyone who's eligible. So the utility gets a certain  
15 number of HEAP recipients. Again, I'm speaking of today's  
16 programs. They get a certain number of HEAP recipients,  
17 they're automatically enrolled in the utility's program,  
18 and the cost of that program simply is what it is.

19 So for programs of that nature, where the -  
20 - the cost of the program is not really in the utilities'  
21 control, we do allow reconciliation of those costs. And  
22 so low-income programs have always been a type of program  
23 where the utility is allowed to reconcile its actual costs  
24 to the budget allowance that's allowed in rates.

25 The difference of -- of this program and

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2 the budget limiter that -- that you're describing is that  
3 if the cost of that program should exceed 2% of revenues,  
4 then the discount amounts are adjusted in the following  
5 year to bring that cost below the 2% cap. So there's --  
6 it's a -- it's an automatically operating adjustment  
7 mechanism that's designed to keep the costs of the program  
8 contained within a certain level.

9 COMMISSIONER BURMAN: Okay. So then even  
10 that shows the need for each year to have true accounting  
11 and looking -- and looking at the number of customers and  
12 the funding levels, what it may mean for the next, and  
13 also showing, very clearly, that track.

14 The Order says that the Commission, on this  
15 energy burden, at or below 6% of household income, shall  
16 be the target level of -- for all 2.3 million low-income  
17 households in New York. But then it says, in a footnote,  
18 that the current utility programs -- so the current  
19 utility programs reach about 1.1 million customers because  
20 customers could receive both the gas and electric  
21 discount. The 1.1 million customers equate to  
22 approximately 700,000 households.

23 So this 2.3 million low-income households,  
24 do you mean 2.3 million low-income customers, or 2.3  
25 million low-income households? So we're going from 700

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2 households to 2.3 million low-income households?

3 MR. INSOGNA: The 2.3 three million  
4 households is households. And that's a number that's  
5 derived from census data. So it is true that a household  
6 can be a gas customer and an electric customer. And so  
7 for program implementation purposes, they would be counted  
8 as 2 customers.

9 It's easier to -- to visualize, in a case  
10 where the -- the gas company and the electric company  
11 might be different. So a customer who resides in Brooklyn  
12 and takes gas service from National Grid New York is a gas  
13 customer of National Grid New York and they're also an  
14 electric customer of Con Edison. So they can be 2  
15 customers in 1 household.

16 Some of those households, the 2.3 million,  
17 however, is a statewide figure. So some of those  
18 households reside in -- in cities or towns that are served  
19 by municipal electric utilities and they're not covered by  
20 this. So it -- it's -- it would not be possible to say,  
21 today, exactly how many customers we're talking about, but  
22 the -- the -- the effort to identify those remaining  
23 households that we're not serving today and we still won't  
24 be serving after we've added in all the HEAP recipients in  
25 the state, will be among the areas that we're going to ask

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2 the task force to take a look at. What's the best way to  
3 identify those customers, to -- to see where they are, who  
4 they are, and to identify what their needs are.

5 COMMISSIONER BURMAN: Okay. So I -- I  
6 guess I'm confused. What's the actual number of low-  
7 income customers that we're affecting by this today, in  
8 terms of the numbers that the utilities reach now and the  
9 increased amount?

10 MR. INSOGNA: So today's number is 1.1  
11 million customers and that is individual electric and gas  
12 customers. And the number we will reach, when serving all  
13 HEAP recipients across the state, will be 1.65 million  
14 customers.

15 COMMISSIONER BURMAN: Okay.

16 MR. INSOGNA: So it's an increase of about  
17 550,000 customers.

18 COMMISSIONER BURMAN: Okay.

19 MR. INSOGNA: Right.

20 COMMISSIONER BURMAN: And will any of the  
21 customers that are currently receiving low-income discount  
22 programs, will they, by this, receive none or less?

23 Because I know that that was one of the  
24 criticisms of the Staff Report, that some of the customers  
25 who are currently receiving benefits, may actually be

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2 harmed by it.

3 MR. INSOGNA: Uh-huh. So it -- it is -- it  
4 is possible that some customers will receive a smaller  
5 discount than they are today. It's not true for the vast  
6 majority because, essentially, today, half of the  
7 customers that we're serving are participants in Con  
8 Edison's program and the discount levels for Con Edison  
9 are being grandfathered.

10 As I mentioned in my earlier remarks, we do  
11 think that the New York City Metro area is a little  
12 different from the rest of the state in terms of  
13 identifying the level of need for those customers. So the  
14 Order would -- would preserve those current discount  
15 levels for that utility, as well as for National Grid New  
16 York.

17 For the upstate utilities, there is a  
18 minimum discount level that's established in the Order of  
19 \$3, which happens to coincide with what some utilities now  
20 offer as their lowest level of benefit, generally for non-  
21 heating gas customers, customers who may take gas, simply  
22 for domestic hot water, for example.

23 So for many customers, it'll be about the  
24 same. For some customers it will be less. I think what's  
25 important to keep in mind there is that we cannot design

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2 an optimal program if we can't make any changes. I think  
3 one of the things that we learned is that, in some cases,  
4 the discounts that we were providing to certain customers  
5 was more than what was required to make their bill  
6 affordable.

7 COMMISSIONER BURMAN: Okay. Thank you.

8 And then -- let me just make sure I have my  
9 page here. Sorry.

10 The Draft Order says that NYPA hydropower,  
11 and SBC, Energy Efficient Portfolio Standard, Regional  
12 Greenhouse Gas Initiatives, or other funds will not be  
13 redirected for the low-income discount programs. Such  
14 funding was collected for achieving specific policy goals  
15 and has already been proposed for, or is already committed  
16 to such purposes. In addition, this Order establishes  
17 that low-income programs will be funded in utility rates  
18 on a continuing basis and appropriation of unspent funds  
19 would, at best, be a one-shot solution, where continual  
20 funding for these programs is needed.

21 So to the extent that some of that funding  
22 also already goes to low-income customers, my  
23 understanding is that will continue.

24 MR. INSOGNA: Uh-huh.

25 COMMISSIONER BURMAN: But that to the

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2 extent that this money can -- that's being appropriated  
3 here will not take some of that money, which may be  
4 uncommitted, and commit it here. Is that correct?  
5 Because we've done that in the past. Empower New York, we  
6 did that, SBC, EEPS, where we've taken uncommitted funds  
7 and brought it -- and -- and committed it to other  
8 programs, some of them being Clean Energy Fund and New  
9 York Sun, et cetera.

10 CHAIR ZIBELMAN: Michael, go ahead.

11 MR. CORSO: Commissioner, you have it  
12 correct.

13 COMMISSIONER BURMAN: Okay.

14 MR. CORSO: That's how it's going to be --

15 COMMISSIONER BURMAN: Okay.

16 MR. CORSO: -- administered.

17 COMMISSIONER BURMAN: I -- I am  
18 uncomfortable. RGGI, we don't have oversight of. NYPA  
19 hydropower, we don't have oversight of. So I am  
20 uncomfortable sort of making a -- a generic statement,  
21 saying what the State or the appropriate entities can do  
22 with that money.

23 I do think it's important for us to fully  
24 understand and look at all the different funding streams.  
25 And that's why, when we looked at that -- that pie chart

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2 for -- on page 3, it's important for me to showcase all  
3 that New York is doing or not, and make some -- make some  
4 comparisons and actually understand the pools of funding  
5 and how people are accessing them, to look, now, at -- at  
6 some of that.

7 I -- I also --.

8 CHAIR ZIBELMAN: Well, can I -- can -- can  
9 I interrupt, just for a second? Because I want to clarify  
10 this because -- and because you -- this is exactly why I  
11 think the task force is important. We have a lot of  
12 various activities going on around low-income activities,  
13 some of which is within this Commission's jurisdictional  
14 authority. Some of it lies outside of our jurisdiction.

15 Our objective, of course, is to make sure  
16 that we're applying these resources in a way that's as  
17 maximally effective and that there is an -- a -- a  
18 complete understanding, when you have agencies who are  
19 looking to solve some of the same problems, that we do so  
20 in a way that's comprehensive, cohesive, and consistent.

21 So one of -- so the -- all the Order is  
22 reflecting of the fact is it's not necessarily saying we  
23 had the right to redirect the funds, but chose not to, is  
24 to acknowledge that we don't have those rights. And I  
25 think there were parties who requested us to redirect and

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2 then we needed to respond to that request and note that  
3 it's simply outside our jurisdictional authority.  
4 Nonetheless, that is why we think that the task force is  
5 important.

6 But Commissioner Burman, I know you -- that  
7 you're -- you know, you're not in favor of this order. If  
8 you have specific questions, I would ask you to ask them  
9 now. If there's a way you want to sum --

10 COMMISSIONER BURMAN: Thank you.

11 CHAIR ZIBELMAN: -- up -- because I think  
12 it's -- it's clear that you're not in favor, so we -- we --  
13 - I would like to get to a vote.

14 COMMISSIONER BURMAN: Actually, I am in  
15 favor of low-income programs that are effective and  
16 efficient.

17 I will sum up. I do have a number of other  
18 questions.

19 I am not in favor of a statewide task force  
20 being approved in a Commission Order. I am disheartened  
21 that -- to hear that agencies still need to work better on  
22 these issues.

23 I don't really understand, on the task  
24 force, what their mission, what their directives are, how  
25 it's going to be formalized, and then how it comes back to

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2 the Commission. So the Order concerns me, especially  
3 because we already have the Clean Energy Advisory Council,  
4 which also has its own challenges and opportunities. We  
5 have the Consumer Advisory Council. And we already have  
6 the NYSERDA LMI working group, as well as other forums.

7 I am looking forward to, again, seeing some  
8 of these issues fleshed out in not only the CDG low-income  
9 proceeding, but also in the ESCO low-income proceeding,  
10 which also dramatically affects the -- the customers that  
11 we're talking about here.

12 My concern really lies within the fact that  
13 I -- I think it's not just about the dollars spent, but  
14 how we're spending them and -- and how successful they  
15 are, and making sure we have the proper metrics and data  
16 analysis. And I really would urge you to have better  
17 analytical data that's presented and showcases the  
18 progression. But I also -- my concern with this Order  
19 lies primarily in the fact that we have not looked at each  
20 utility and sort of drilled down on what works and what  
21 doesn't.

22 Utilities very much want their low-income  
23 programs to work. And to the extent that we look at that  
24 and -- and help, I think it's important, but I think we  
25 just didn't get there on this because we were more focused

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2 on higher-level frameworks.

3 And I do look forward to seeing how this  
4 will work. I assume, because we're saying look at it in  
5 the rate case, that this is going to be when -- in the  
6 next rate case, that some of these principles will come in  
7 the Con Ed rate case or are we going to be looking at it  
8 for the rate case after that.

9 CHAIR ZIBELMAN: I think that remains to be  
10 seen. Staff will be filing testimony in the Con Ed rate  
11 case.

12 COMMISSIONER BURMAN: Okay.

13 CHAIR ZIBELMAN: So --.

14 COMMISSIONER BURMAN: Thank you.

15 CHAIR ZIBELMAN: I just want to be very  
16 clear about this. I do not think, at all, the  
17 establishment of the task force is inappropriate. I think  
18 it's actually the totally appropriate thing for us to do,  
19 to start working with our sister agencies in a very -- in  
20 -- in a much more formal manner.

21 That is not an indictment or a suggestion  
22 that we haven't worked historically in the past. We have  
23 very good relationships with these agencies. But it's  
24 very clear that we all want to work together in the best  
25 possible way. And I think that you'll find that the other

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2 agencies are welcoming a much more comprehensive way,  
3 where we can start tackling problems in -- in a way that  
4 we're all aware of what's going on.

5 This is also not an indictment on utility  
6 programs. It's a representation. If we did do the  
7 analytics and we found there were inconsistencies, we  
8 found there were inefficiencies, and we found that there's  
9 a way to do it better. So you know, I will never stand in  
10 the way of progress, nor will I ever suggest that we have  
11 perfection and we shouldn't continue to improve.

12 So with that, I'm going to move to a vote.

13 COMMISSIONER ACAMPORA: May I?

14 CHAIR ZIBELMAN: If you have something to  
15 say, you may.

16 COMMISSIONER ACAMPORA: Thank you.

17 I -- I think it's important to point out, I  
18 know this, but Michael I'm going to let you say this,  
19 about administrative fees.

20 MR. CORSO: I think what Commissioner  
21 Acampora's referring to is one of the other principles of  
22 the program that we've developed, unlike other states,  
23 what we've tried to do is have all the program dollars go  
24 to, actually, the program. So every dollar that we're  
25 working with here is really going to the program

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2 recipients.

3 We have not included administration costs.  
4 We have not allowed percentages to be an administrative  
5 cost. We're trying to really get honed in on the  
6 administration being in the rates that are already there.  
7 The companies are already doing this work and we're not  
8 looking for them to change that structure and not looking  
9 to increase administrative costs, so that the recipients  
10 of the work the Commission is doing is benefiting those  
11 customers and discounts.

12 CHAIR ZIBELMAN: Thank you.

13 COMMISSIONER ACAMPORA: Thank you, Michael.

14 I think that's an important point. And as  
15 I said previously, yes, I know you looked at other states  
16 and we wanted you to look at other states, but New York  
17 doesn't copy anybody. And I think we've done it a step  
18 better. So thank you very much.

19 CHAIR ZIBELMAN: Thank you.

20 So all those in favor of the recommendation  
21 to adopt the statewide framework for low-income programs  
22 and direct the utilities to make filings as described,  
23 please indicate by say aye.

24 COMMISSIONER SAYRE: Aye.

25 COMMISSIONER ACAMPORA: Aye.

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2 CHAIR ZIBELMAN: Opposed?

3 COMMISSIONER BURMAN: Opposed.

4 CHAIR ZIBELMAN: There being 1 opposition,  
5 but 3 in favor, the recommendations are adopted.

6 Thank you very much.

7 MR. INSOGNA: Thank you.

8 MR. CORSO: Thank you.

9 CHAIR ZIBELMAN: I'm going to take a 5-  
10 minute break.

11 (Off the record)

12 CHAIR ZIBELMAN: Item 302 -- thank you,  
13 guys -- which is 14-M-0101, it relates to the ratemaking  
14 and utility revenue model policy framework. Rudy  
15 Stegemoeller will be presenting this today.

16 Before Rudy begins, I wanted just to take a  
17 few minutes and -- and talk about this. It's obviously a  
18 very important Order for the Commission as it relates to  
19 Governor Cuomo's Reforming the Energy Vision plan, which,  
20 as we all know, is part of -- part and parcel of a plan to  
21 really remake the energy industry in New York.

22 And we've talked about this a lot, but I  
23 thought that, because of the nature of this Order, it just  
24 makes -- it makes sense to take a few minutes and put this  
25 in to the context of really everything that we're -- we're

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2 looking to do.

3 So when we started this process in 2013, we  
4 -- you know, we initiated it with the identification that  
5 the power system in New York, as well in -- really in the  
6 rest of the country, was extremely well-designed to meet  
7 the needs of the 20th century. There's no question and  
8 people talk about the -- the grid in the United States as  
9 one of the most effective and astounding engineering  
10 feats. And I -- I think it -- it certainly was.

11 But it's also clear that the -- the system  
12 is -- is aging, we need to spend a lot of money on  
13 infrastructure to modernize it, and that the costs are  
14 going up, but that the system itself is -- is very  
15 inefficient. In a certain way that's inefficient by  
16 design because in the 20th century, we designed a system  
17 around central power stations, the thought that consumer  
18 usage was really uncontrollable, and the fact -- and that  
19 we needed to build a system to meet instantaneous peak.

20 And as we've changed the usage of  
21 electricity, what we have found is -- is that the amount  
22 of consumption we have on our system peak, as well in  
23 excess on our average consumption, and so what we call as  
24 load factor is deteriorated. What that means is that  
25 there's a significant amount of -- of expense and capital

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2 put into this system that is really only used a few hours  
3 a year. And that -- so -- so all of that really drives  
4 costs to consumer.

5 As usage, and as we saw in these slides,  
6 both in terms of activity, but just in general, as -- as  
7 appliances become more efficient, we're also seeing demand  
8 reduce. And so what that means and this has been a -- the  
9 Commission's concern is as we're investing in  
10 infrastructure, we're putting it over a smaller demand  
11 base, which means the unit costs are going to continue to  
12 go up and that that becomes expensive for consumers. So  
13 we need to do everything we can to drive efficiency  
14 throughout the value system of the grid.

15 Good news is things are changing. So one  
16 thing that's changing is consumer demand. And consumers  
17 certainly are much more concerned than ever before about  
18 reliability of the system. As we're electrifying more and  
19 more pieces of the economy, that becomes very critical.

20 They're concerned about resiliency. The  
21 experiences that we've had, in -- particularly in New York  
22 around Hurricane Sandy, have taught us about the  
23 importance of being able to restore electricity after a  
24 major climatic event, quickly, particularly again, because  
25 so much of the economy is dependent on these resources.

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2 Power quality is an extremely important factor.

3 And then as we start to think about  
4 decarbonization of other sectors of the industry, most  
5 notably transportation and then potentially some elements  
6 of the heating sector, electricity is going to be very,  
7 very important.

8 So all of that is -- is -- is changing how  
9 we think about it, but it's also changing the way  
10 consumers think about it. More and more, we're looking at  
11 consumers, whether they're large energy users who want  
12 back-up resources or storage capabilities, to make sure  
13 that they have 99.9% up-time because it affects their  
14 costs or if it's individuals who want back-up resources or  
15 want solar resources, are interested in investing electric  
16 vehicles.

17 More and more customers are saying I -- I  
18 want much better choice over my source of supply. I also  
19 want to be able to manage my demand better and I want  
20 reliability. So we're having more investment in  
21 distributed resources and more recognition by customers  
22 about the importance of choice in -- in all realms.

23 The other piece is, of course, climate  
24 change. New York has ambitious goals around renewables,  
25 as well as energy efficiency. And we have an obligation

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2 to think about how we're going to do that in the most cost  
3 effective way.

4 And then there's the issue of technology.  
5 Costs of distributed resources are going down. Energy  
6 efficiency costs are getting better. And then their  
7 capability with dealing with big data, obviously, is  
8 changing. So where, before, we thought that we couldn't  
9 actually manage resources to the edge of the grid, now we  
10 can increasingly say not only can we manage them, but we  
11 can integrate them into how we actually operate the  
12 system.

13 Hence, all that, sort of a little bit of  
14 history, led to our decision a couple years ago to say we  
15 really need to change our concept of what the utility is.  
16 And the concept of a -- of an -- a distribution electric  
17 utility is not just to deliver energy to the edge of the  
18 system, but really to take advantage of all these changes  
19 to think about how they can use Distributed Energy  
20 Resources better to optimize the system, not just on peak  
21 days, but all the time, and drive efficiency, really,  
22 throughout the networks.

23 And that really the -- then what we  
24 identified, was the role of the distribution utility was  
25 to go from a unilateral -- unilateral one-way system, to a

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2 really multi-dimensional platform, and that the utility  
3 could play a very important role in creating markets where  
4 people can use Distributed Energy Resources better, both  
5 to reduce their own uses and make sure that their goals  
6 around energy were being met, but also, integrated into  
7 the grid, it drives down the cost for everybody and allows  
8 everything to become more affordable.

9 And so our job really then became well what  
10 should we be doing as the economic regulators, to make  
11 changes in this industry or -- or enable changes in this  
12 industry, that drive for -- towards those -- those  
13 outcomes. And we've been doing that in the last couple of  
14 years, in a number of different frameworks. And I -- you  
15 know, while we have a -- a -- several, you know, a number  
16 of different dockets, I really think they fall into 1 of 4  
17 buckets.

18 The first is around planning and  
19 information. We recognize the -- the question of  
20 information is symmetry, that people really don't  
21 understand the black box of operating distribution  
22 utility, what a distribution utility might be looking for  
23 in terms of resources, what's confounding the ability of  
24 the market, to really access those utilities.

25 So we developed, in the platform order, the

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2 -- I -- use of a distribution system information plan. We  
3 started working on making data available. And we also  
4 developed our benefit cost analysis, so that we had a  
5 consistent way of looking at different opportunities. And  
6 so not only utilities, but the market could understand how  
7 we would look at solutions in a way that could benefit  
8 customers.

9 The other area we focused on was markets.  
10 I mean this is all about really redesigning the system  
11 around consumer and developing sustainable markets across  
12 the board, so that it's not just a government initiative,  
13 but it's an individual initiative.

14 So a number of things we've done, all our  
15 utilities and we even have a proceeding today, are doing  
16 dynamic load management programs to help people, when they  
17 invest in these resources, can monetize their ability to  
18 reduce demand that helps them and also helps the networks.

19 We're also looking, of course, at our  
20 locational, Marginal Pricing plus D docket, which is  
21 really where we're going to drive value and so make sure  
22 we have a consistent and comprehensive way of looking at  
23 the value of distributed resources.

24 And then we're also, in a number of  
25 different proceedings, particularly the Clean Energy Fund

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2 proceeding, where we move -- we're moving NYSERDA from  
3 looking at being a grant agency, to an agency that really  
4 looks at moving the markets upstream and providing,  
5 particularly, markets around energy efficiency.

6 So all that's going on. And then the other  
7 aspect of this was really the big piece with success for  
8 us, is customers. One of the things we recognize is that  
9 in the Platform Order, that we're not going to be  
10 successful in REV unless we engage customers. We're not  
11 going to be successful in engaging customers unless we  
12 educate customers. And so getting customers engaged and  
13 educated so they understand the opportunities around  
14 benefits for them on an economic and quality of life issue  
15 becomes a critical piece of what we're going to do.

16 And so the -- the other piece of this then  
17 was to how do we get there and there are a number of  
18 proceedings that we have around that. The Community  
19 Aggregation is one. Community Renewables is another. It  
20 was our recognition that the fact that people will pay  
21 attention when they can do things at a local basis. And  
22 if we can get the local municipalities, my dream, that  
23 everyone start thinking about energy as much as they think  
24 about sidewalks and parks and schools, we will get there  
25 because it'll become part of the nature -- natural

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2 consciousness of what we think about.

3 So all of those elements are -- were sort  
4 of there. The other piece obviously is our ESCO Reset  
5 Order. We recognize that a lot of the work we have done  
6 around retail competition was actually having a deterrent  
7 effect on consumers and we needed to reset that market to  
8 make it better. And we're certainly in the midst of doing  
9 that.

10 So those were sort of like the pieces.  
11 Well, the last piece and not the last -- least important,  
12 but the most important was thinking about the utilities  
13 and thinking about how do you change the utility mindset  
14 and how do we -- how do we get the utilities to -- really  
15 to rethink about how they do business.

16 So one thing we did early on was set up the  
17 demonstration projects because one of the things we  
18 realize, and I realize in spades, having spent a long time  
19 with this industry, that utilities are incredibly  
20 terrific. And our utilities in New York, I think, are par  
21 none, the best at -- at innovation around solving very  
22 complex engineering problems on their systems. They --  
23 they are some of the, you know, most admired utilities  
24 across the world in what they can solve and innovate  
25 around engineering.

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2 Where they fall short, and we love them to  
3 death, is around innovation and business models and  
4 innovation around services and innovation around working  
5 with new entrance in the market. And so one of the things  
6 we did early on was say we wanted to do demonstrations  
7 because we want you to get used to, you know, how we use  
8 Distributed Energy Resources, creating new business  
9 models, trying things, but also thinking about a different  
10 way of doing business, that you don't have to necessarily  
11 spend 3 years in a proceeding to figure out a solution.

12 You can try things, see how they work. If  
13 they work well, expand them. If you don't work well, come  
14 back and fix it. But that was a way of getting experience  
15 and also to start thinking about how do we reset the  
16 model. And I think that's very important.

17 But that then brings us to today, which I  
18 think is the next really big piece, is the ratemaking.  
19 And that was something we identified very early on, in --  
20 in this process, which is the role of ratemaking and --  
21 and regulation.

22 And so as -- as economic regulators, you  
23 know, we have a primary job of making sure that the prices  
24 for power services are just and reasonable. In fact, one  
25 of the reasons we looked at this is we realized that if

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2 the system was more -- less efficient than it could be,  
3 that was going to make prices more higher than they  
4 would've been, and that our job was to make sure we were  
5 driving efficiency in the system, so that by using  
6 Distributed Energy Resources in an optimized way, we would  
7 make prices just and reasonable.

8 The -- our other aspect, as an economic  
9 regulator, is to recognize that utilities are, in many  
10 respects, natural monopolies, but over time, we've seen  
11 that those aspects of the monopoly era, went by the  
12 wayside as competition changes, as technology changed.  
13 That was obviously the thought of the Commission when we  
14 opened up to wholesale competition and, in the case in --  
15 of restructuring the utility, to allow generation  
16 competition.

17 We -- our job as regulators is to make sure  
18 we're -- allowing for entry into the market when -- when  
19 you don't need a monopoly anymore and services can be  
20 provided by competitive suppliers. And so one of the  
21 things we're looking at with the price changes is how do  
22 we incent the utilities to allow for third parties to come  
23 in and what changes do we then need to make around the  
24 regulatory structure for that to occur.

25 So the long story being long, the big thing

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2 here is -- is the recognition really early on that  
3 traditional cost of service ratemaking was so much  
4 antithetical to this approach. The reason for that being  
5 is -- is that, under traditional cost of service  
6 ratemaking, utilities largely just profit by deployment of  
7 capital. That means if a third party was to come to them  
8 and say hey, I have an alternative for you, there's a way  
9 you can deliver energy to your customers that's cheaper  
10 than you spending your own capital, their first reaction  
11 would be why would I do that, that doesn't make a lot of  
12 sense, how am I going to pass that by my board and say  
13 hey, I have a great idea, I'm going to find a way not to  
14 spend our money and not to earn.

15 It doesn't really resonate with a lot of  
16 utilities, which I was thinking about this and I'll -- in  
17 the interest of time, I'll avoid -- I have a great parable  
18 of the 3 utilities and I'll tell somebody later in the  
19 day, but the point being is -- is that one of the things  
20 we recognized is that, as we move forward, one of the --  
21 we need to make sure that our utility economic interests  
22 are aligned with the markets that they want to go for.

23 And that means that what utilities need to  
24 start thinking about is very much like any other platform  
25 market, that the Distributed Energy Resource providers are

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2 their customers and, like other customers, they have an  
3 opportunity to charge them for services that they provide.

4 But also, that their role is really to  
5 match the DER providers with the end-use customers to  
6 think about how to optimize those resources better, which  
7 means that what we want is we want utilities to start  
8 thinking about the ability to use third-party programs,  
9 not as something that they have to do because we're  
10 requiring them to do them, or they'll minimize just to  
11 make us happy, but because they want to do because the  
12 earnings they can get from using other resources that  
13 drive efficiency can give them as much opportunity as  
14 traditional cost of service.

15 And what the -- for this ratemaking  
16 proceeding is about is saying look, you know, what we want  
17 to do is we would like our utilities to take a look at  
18 things like NES thermostats, at things like solar and  
19 storage installations, at things like geothermal, and say  
20 wow, if we can do this across our system, not only will  
21 the customer save money, but the networks themselves will  
22 be cheaper, and that what we'll be doing then is, rather  
23 than the customer saying oh, the utility's getting in my  
24 way of doing what I want to do, is they'll say my  
25 utility's a great partner and the DER provider will say

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2 that utility is a great company because what they're  
3 helping me do is make my business.

4 And so what we want to do is think about is  
5 that they share in the savings opportunities in a -- in a  
6 way that's very much like we did with the Brooklyn-Queens,  
7 it's really consistent with if they built the substation  
8 themselves.

9 We also want customers to get value. We  
10 want customers to understand if they shift their demand,  
11 or they participate, that's a value to them individually  
12 and it's also a value to the grid.

13 And we also want to make sure that when --  
14 that when we're looking at these things in terms of data  
15 and in terms of planning, we're looking at things  
16 comprehensively so it's open to everyone. Because one of  
17 the things I -- I think we'll see in the electric utility  
18 industry, as we've seen in other utility industries, is  
19 that the pace of change is going to be a lot faster than  
20 it's been historically.

21 I mean, I -- I, you know, since I've been  
22 involved in this, in 1988, we used to say well this is  
23 slow-moving, it's glacier-paced, change is never going to  
24 occur, it's too big. Well, guess what, you know, if we  
25 take a look at what's happening in the digital age and

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2 what's happened to taxi cabs, what's happening to hotels,  
3 frankly, if you look at what happened to RWE in Germany,  
4 you'll see that change can happen very, very, very  
5 rapidly. And our job then, therefore, is to make it make  
6 sense in a consistent way.

7 The other piece that I -- I don't want to  
8 lost sight of is that while we're looking for utilities to  
9 essentially lean in to the opportunities and take  
10 advantage of them for the benefits of them -- their  
11 customers and themselves is we have an -- an overarching  
12 obligation because it's -- very many parts of this  
13 business are going to be traditional investments. We want  
14 out utilities to maintain their financial integrity.  
15 That's very important for their shareholders, obviously,  
16 but it's also very important to customers.

17 As we take a look at the amount of  
18 electrification that's going to be happening in the  
19 economy, as a whole, there's no question that there's  
20 going to be a lot of capital. And we want that cost of  
21 that capital to be -- to be very -- as low as possible  
22 because electricity is going to remain an -- an essential  
23 service and it's going to be very hard to find different -  
24 - different ways of providing electricity then through  
25 these -- these means. And so it's going to be important

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2 that we make this as effective as possible.

3 The other piece is -- and I think it's --  
4 it's equally true is our job as regulators is -- is not  
5 necessarily to say to utilities, we're going to tell you  
6 how to manage your business. Really, our job as a  
7 regulator is to set the regulatory framework so that a  
8 utility can look forward to the future and say I can  
9 create a business that makes me -- that allows me to be  
10 successful, not based on what happened 20 years ago or 30  
11 years ago, but what's going to happen in the next 5, 10,  
12 and 15 years, and that in New York, we have that  
13 opportunity because we have a regulatory base that allows  
14 us to take advantage of change to benefit our customers  
15 and ourselves. And I think with that, we've acquitted  
16 ourselves of our responsibility.

17 So in looking at this Order, I think we --  
18 we've hit that balance. I think it -- it -- it gets us to  
19 where we need to go. We've also been mindful of the  
20 concerns that folks have about rapid change. And I think  
21 that it -- it does it in such a way that we -- we set the  
22 platform, we enable the change, and then we're going to  
23 watch it as it -- as it grows.

24 So that's why I'm so excited, but I'm going  
25 to now let Rudy go through the details.

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2 MR. STEGEMOELLER: Thank you.

3 Good morning -- or afternoon. Thanks for  
4 that introduction.

5 People are -- by now, are used to this,  
6 that I am the boring half of the act here. So you have a  
7 proposed Order before you and I'm going to give a very  
8 high level overview.

9 Sitting with me to take questions are Marco  
10 Padula, Doris Stout, and Doug Elfner, and of course,  
11 everyone else.

12 I -- I want to start by acknowledging the  
13 Staff effort on this Order. It's been in process for 2  
14 years. Lots and lots of white-board sessions. The list  
15 of Staff who have worked on it, in one way or another, is  
16 so long I -- I wouldn't try to recite it here. Some of  
17 them have retired. Hope -- yeah. Hopefully not because  
18 of the white-board sessions.

19 So here's my overview. The -- the -- the  
20 decision areas fall into the 3 categories, revenues, rate  
21 design, and data.

22 On revenues, as the Chair described, the  
23 Order details why traditional cost of service revenues  
24 don't send the correct incentives for the modern system  
25 that we need to develop. Also, the way that regulations

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2 substitutes for markets needs to change, as competitive  
3 markets have changed in the digital economy.

4 So the Order builds on traditional cost of  
5 service methods and adopts a number of initiatives to open  
6 up opportunities and align utility earnings with customer  
7 interests.

8 First, are Platform Service Revenues, or  
9 PSRs. These are charges that the utilities will attach to  
10 market activities that use the DSP function. Because P.S.  
11 -- I'm sorry -- PSRs are paid by market participants, in  
12 the long run, this allows utilities to reduce reliance on  
13 traditional ratepayers for their revenues.

14 A -- a -- an important issue that came up  
15 in this context is the extent to which utilities will be  
16 allowed to actively compete with other market players to  
17 earn Platform Service Revenues. The policy that the Order  
18 states is that generally they should not, but there will  
19 be some types of activities that are theoretically  
20 competitive, but that utilities are -- are well-situated  
21 to perform, to stimulate other sorts of market activities.  
22 Data analysis is potentially an example of that.

23 So there's a line for what utilities are  
24 allowed to do, but it's not a hard line. And rather than  
25 trying to define where that line is now, for products and

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2 services that haven't even been proposed yet, the Order  
3 takes a process approach. Utilities will file tariffs  
4 that propose new services. If no parties object, the  
5 tariffs are accepted. Otherwise, the -- there will be a  
6 process and the Order sets up criteria to -- to govern  
7 that process.

8 The second initiative is the non-wires  
9 alternative. That's -- the model for that is Con Edison's  
10 BQDM program, third-party innovations and capital solve a  
11 problem in a cost-effective way. Utilities should be  
12 encouraged to pursue it.

13 The third is the Earning Adjustment  
14 Mechanism, or EAM, the incentive formerly known as EIM.  
15 We -- we -- we want to avoid the confusion with the word  
16 incentive, that is also used in specific programs, where  
17 customers get incentives on it. So -- and despite EIM  
18 having the word impact, it actually -- people were calling  
19 it the Earnings Incentive Mechanism. So EAM it is.

20 This -- the EAMs are -- are transitioned  
21 toward mature markets, where hopefully we will not need  
22 directed incentives any more in the future. A long list  
23 of issues around EAMs that the Order addresses, they  
24 should be multi-year. EAMs that promote new activities,  
25 that benefit customers, should typically be positive in

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2 direction, although negatives could be reserved for  
3 specific cases.

4 The total amount of earnings at stake for  
5 the new EAM should generally be not more than 100 basis  
6 points, but this should be worked out in rate cases in the  
7 context of each utility's situation.

8 Another issue is -- involved whether EAMs  
9 should only apply to items that are directly in the  
10 utility's control. The Order states clearly that EAMs  
11 should be outcome-based. The objectives of the EAMs rely  
12 on market activity, which, by definition, is not within  
13 the utility's control.

14 There are 6 potential EAMs discussed in the  
15 Order. First is system efficiency, which is defined as a  
16 combination of peak reduction and load factor improvement.  
17 Each utility will be required to propose a system  
18 efficiency target, with a strategy to achieve it, a  
19 demonstration of cost effectiveness, and an earnings  
20 incentive.

21 Second is energy efficiency. EAMs for  
22 efficiency will be tied to targets that will be  
23 recommended by the Clean Energy Advisory Council. The  
24 EAMs will be tied to targets that are above and beyond the  
25 currently approved ETIP targets. And metrics, this is --

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2 this is a change in direction. The metrics for the EAMs  
3 will -- will not be program-specific, as they have been up  
4 until now, or measure-specific. They will be based more  
5 on system-wide outcomes.

6 Program-specific metrics can be used if --  
7 I'm not sure how -- in the interest of time, I won't go  
8 too deeply into this, but the -- there are improvements  
9 underway in the EM&V world and, you know, EM&V, they can  
10 be linked to actual customer measurements, could give rise  
11 to better -- to program-specific metrics.

12 The third EAM is interconnection.  
13 Difficulty here is that the greatest need for an incentive  
14 is with the larger projects. But with the larger  
15 projects, it's very difficult to know, unless you dig into  
16 each project, where the problem lies. You know, if -- if  
17 something's not getting done on time, the information  
18 isn't good, sometimes it's the utilities, sometimes it's  
19 the developer. So it's tough to put a blanket metric on  
20 that.

21 The approach taken here is to encourage  
22 better cooperation, to get a better overall outcome. By  
23 providing a positive incentive, it'll be tied to a survey  
24 and a third-party audit tool. Negative adjustments can be  
25 considered on a utility-by-utility basis.

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2 Fourth is customer engagement. This is  
3 critical, but it's also already a factor in just about all  
4 the other areas that are tied to utility activities, or  
5 utility earnings. So --.

6 Sorry. Lost my place. Oh, yes.

7 Also, the key engagement items of data  
8 access are going to be mandated anyway. So for that  
9 reason, we don't really need a EAM for customer engagement  
10 at this time. But utilities are encouraged to bring  
11 forward their own programs, like uptake on a -- on a --  
12 customer uptake on a time-of-use pilot might, for example,  
13 be suitable for an EAM

14 Fifth, EAM is -- well, the fifth discussion  
15 is affordability. Staff had proposed a metric based on  
16 terminations and arrearages. Parties, including low-  
17 income advocates, argue that there's no need for a  
18 separate incentive on this. The Order agrees that this  
19 would be premature. The new low-income approach is just  
20 getting underway. The affordability outcome will be  
21 crucial and the Order anticipates that an EAM might be  
22 needed in the future. In the meantime, a metric will be  
23 developed as a scorecard.

24 The last is carbon reduction. This comes  
25 in 2 forms. First are actions that might reduce the cost

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2 of complying with the Clean Energy Standard, but well, the  
3 Clean Energy Standard is still under consideration, so  
4 it's premature, obviously, to adopt an EAM for that.

5 Second is conversion of building and  
6 transportation end uses. To some extent, that will --  
7 those are already included in system efficiency or  
8 possibly energy efficiency metrics. So this will be a  
9 scorecard metric, but utilities can propose specific  
10 programs.

11 The fourth general part of the revenue  
12 approach is scorecards. Scorecards are metrics that have  
13 no specific financial incentive attached, but will measure  
14 progress toward REV objectives and might be used for EAMS  
15 in the future.

16 Finally, there are several proposals,  
17 including -- involving current ratemaking methods. The  
18 CapEx claw-back mechanism will be reformed -- excuse me --  
19 as Staff proposed with some changes. This will remove a  
20 disincentive that utilities currently have against non-  
21 wire alternatives.

22 Staff had suggestions related to earning-  
23 sharing mechanisms, long-term rate plans, and treating  
24 capital and operating expenses equally. These are not  
25 adopted in this Order, but they're held open for future

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2 consideration.

3 The preapproval of utilities foundational  
4 investments to build DSP capabilities needs some  
5 clarification. There was controversy in the -- in -- in  
6 the comments, but I -- at least in my opinion, was sort of  
7 a tempest in a teapot because the -- the comments were --  
8 were responding to something that Staff never really  
9 proposed in the first place, which would be sort of a --  
10 just a blanket -- more or less of a blank check.

11 The Order states that after projects have  
12 been scrutinized in -- in DSIPs, a decision to undertake  
13 them will not be second-guessed. And as always, the  
14 actual implementation, subject to prudence review and the  
15 specific project budgets are treated in the context of  
16 rate cases.

17 So when I said finally just then, you  
18 probably thought I was almost done, but no such luck. So  
19 rate design is the next general category. Excuse me.

20 So central policy driver for rate design is  
21 that investment on the customer side is expected to grow.  
22 And precise value signals are needed for investments that  
23 are efficient for both the customer and the system. Most  
24 parties support this principle, although there are  
25 concerns.

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2 Consumer advocates are concerned about the  
3 impact on low-income customers. Clean energy advocates  
4 are concerned about a shift away from flat volumetric  
5 rates, though it's critical to approach rate design in the  
6 broader context of other REV objectives. Also, the  
7 principle of gradualism will be observed.

8 Most of the rate design discussion is  
9 around mass market customers because large C&I rates are  
10 already granular and time based. But there's room for  
11 improvement there, too. And the Order -- the Order  
12 directs that C&I rates will be examined in rate cases.

13 Okay. Time sensitive rate design for mass  
14 market customers will depend on advanced metering  
15 functionalities, which we don't have in place on a wide  
16 scale at this point. That does mean -- the good news  
17 there is that we have time to fully analyze the potential  
18 impacts.

19 So the Order directs Staff to work with  
20 parties to scope out a study that will look at the bill  
21 impacts of a range of rate design scenarios if they were  
22 to be adopted on an opt-out basis. The Order also adopts  
23 a set of rate design principles. In the near term, the  
24 focus will be on improving and promoting opt-in time-of-  
25 use rates and introducing smart home rates on a demo

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2 basis.

3 The other measure issue in rate design is  
4 standby rates. Current standby rates don't account for  
5 the prospect of a large diverse pool of DG on the system.  
6 So for the near-term, the Order requires all utilities to  
7 adopt the reliability credit and the campus tariff that  
8 are currently in Con Edison's rate, with some adjustments.  
9 For the longer-term, utilities are required to file  
10 updated cost allocation analyses and propose revisions,  
11 following the considerations that are discussed in the  
12 Order.

13 Data. Data issues are dealt with at the  
14 individual level and the -- at the individual customer and  
15 aggregated levels. So requirements to make data available  
16 are occurring in DSIPs, AMI orders, and community choice  
17 aggregation. This Order clarifies the distinction between  
18 basic data that must be provided free of charge and  
19 advanced information analysis for which there can be a  
20 charge.

21 At the individual level, basic data is the  
22 usage for each applicable rate element. This will evolve  
23 in near real time as AMI is deployed. Data will only be  
24 released when authorized by the customer.

25 At the aggregate level, NYSERDA and

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2 utilities have developed a portal that is effective.  
3 Utilities will need to automate their processes to provide  
4 information through the portal. Until automation is  
5 complete, utilities can charge a fee. Information and  
6 analysis beyond the basic levels can be subject to a  
7 charge. The mechanism for the charge is the Platform  
8 Service Revenue process I described earlier.

9 Finally, this time I actually mean it, the  
10 Order has an implementation schedule to move the various  
11 initiatives forward.

12 That concludes my overview.

13 CHAIR ZIBELMAN: Thank you.

14 So first of all, before I turn this over  
15 because I had my piece, I do want to just express my  
16 appreciation to the Staff, that it really has been a very  
17 comprehensive effort. We've had a very significant Staff  
18 team that's been working on this for 2 years.

19 I would be remiss, in particular if I  
20 didn't call out Doris and -- and Warren for -- for the  
21 leadership that you showed on this. And Rudy, of course,  
22 the -- you know, terrific. Fantastic. Thank you.

23 So I really appreciate that, as well as the  
24 -- the Staff teams. Tom in particular, D'Ambrosio, we  
25 were referring to. We -- I don't think we forced him to

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2 retire, but he certainly put his -- Eleanor, there's just  
3 been a -- a real labor of love.

4 So with that, let me turn it over to  
5 questions or comments by my fellow Commissioners.

6 Pat, do you want to -- I'll just go down  
7 the line. Do you want to begin?

8 COMMISSIONER ACAMPORA: Oh, sure.

9 Well, there's always going to be  
10 questions, but you really gave an excellent overview,  
11 Rudy, of what is going on with this. And if someone  
12 would've asked me, 2 years ago, when this all started, if  
13 we would be this far, I'd have to be honest and say I  
14 didn't think it was possible. But through everyone's hard  
15 work, it's obviously possible. And it actually looks  
16 good.

17 You know, when we started years ago, the  
18 Energy Efficiency proceeding, at that time nobody ever did  
19 energy efficiency before and that's why we always plod  
20 along and if we have to go back and fix something, we go  
21 back and we fix it. It's -- it's not a bad thing. And  
22 this REV proceeding is extremely involved and I'm sure  
23 that people didn't want to fall asleep while you were  
24 talking, but it's hard, if you don't stay focused on it,  
25 you can easily lose track of what's going on.

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2 So this is very involved. It's very  
3 difficult stuff. It's never been done before. And we are  
4 in uncharted waters. But if we just were hanging out and  
5 treading water, after you tread water a long enough time,  
6 you know, you're going to give out and you're just going  
7 to sink and drown. And I don't think that's where we want  
8 to go with this.

9 And I don't think anybody could have done  
10 an intro better than our Chair, who really -- we'll call  
11 her the Queen of REV and she really is. And so I think  
12 that what you've done, you're leaving the door open for us  
13 to consider more actions as this further evolves, which is  
14 my favorite word again, flexibility. And I think that  
15 this covers that and will enable us to go back and take a  
16 look.

17 The M&V that you mentioned, you know, this  
18 has been something that we struggled with, with energy  
19 efficiency. And it's very important that we have that  
20 information. So all I will ask is that, you know, the  
21 Commissioners be kept abreast of what is going on when we  
22 get to the M&V and a lot of these other projects that will  
23 be going on out there.

24 But all in all, I -- I support this and I  
25 thank everybody for their efforts.

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2 Doris, you know I always am going to ask  
3 you about how the street feels about this and, you know,  
4 what may be some of the concerns and pitfalls that they  
5 are looking at when they see this Order.

6 MS. STOUT: So I anticipated your question.

7 CHAIR ZIBELMAN: She did.

8 MS. STOUT: I did.

9 CHAIR ZIBELMAN: You're testing her.

10 MS. STOUT: I expect that Wall Street's  
11 response, both from the fixed income and the equity  
12 perspective, should be neutral to positive on this. The  
13 Order removes some -- some uncertainty that's been in  
14 place as -- while we were engaging in this process. It  
15 defines the ratemaking and regulatory environment that  
16 we're going to work in going forward and it sets forth the  
17 future steps that needs to be taken.

18 I looked through the Order and there's a  
19 lot of areas I want to bring to your attention in this  
20 regard. Some of them, the Chair has already mentioned and  
21 Rudy has mentioned.

22 The Track 2 Order explicitly recognizes  
23 that our utilities are still delivery companies and  
24 continue to retain many of the attributes of natural  
25 monopolies, and they'll still need to deploy a large --

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2 large amount of capital, so they'll need access to the  
3 capital markets. And the Order indicates that we will be  
4 providing them an opportunity to earn a fair return.

5 The Order takes a very proactive approach.  
6 It ensures that efficient capital investment is being made  
7 and it expands a lot of opportunities for the utilities to  
8 earn. It aligns the utilities' financial interests with  
9 consumer benefits from the elements of a modernized  
10 electric system.

11 As both the Chair and Rudy indicated, it  
12 strikes a careful balance between the need for immediate  
13 changes and also some gradual changes going forward to --  
14 in -- in a cautious manner.

15 We provide 4 key areas for utilities to  
16 achieve earnings. These include your traditional cost of  
17 service earnings, earnings tied to achievement of  
18 alternatives that will reduce utility capital spending and  
19 provide consumer benefit, those like the Con Ed, Brooklyn-  
20 Queens Demand Response Program. Earnings from market-  
21 facing platform activities, those Platform Service  
22 Revenues that Rudy mentioned. And also, these  
23 transitional outcome-based performance measures, the  
24 Earnings Adjustment Mechanisms that Rudy mentioned.

25 Ultimately, the Order creates a regulatory

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2 environment where utilities can achieve shareholder value  
3 that's comparable to or superior to conventional  
4 investments by integrating those third-party solutions and  
5 capital that improves the efficiency, resiliency, and  
6 flexibility of the physical networks, reduce consumer  
7 total cost, and achieves the State's policy objective.

8 So even in the conclusion, the very last  
9 sentence, very important, recognizes that we are providing  
10 utilities the opportunity to earn fair returns on their  
11 investments and these are all areas that Wall Street  
12 should perceive favorably.

13 COMMISSIONER ACAMPORA: Thank you.

14 CHAIR ZIBELMAN: Just to be clear, Doris is  
15 not being modest. When Wall Street is neutral or a little  
16 bit positive, that's good. Neutral's fine in this case.

17 COMMISSIONER ACAMPORA: Uh-huh.

18 CHAIR ZIBELMAN: Okay. Mr. Sayre?

19 COMMISSIONER SAYRE: I estimate that there  
20 are at least a hundred policy decisions made in this item.  
21 Staff has been briefing us frequently and they've answered  
22 my questions and they've incorporated my suggestions.

23 Both in the meetings and in the item, I've been convinced  
24 that these policy choices simply make a lot of sense.

25 As we can see from Rudy's summary, there

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2 are a lot of proceedings and collaboratives and studies  
3 and rate case activities to come in the future. This is a  
4 process that will certainly take years. And in fact, if  
5 technology and markets continue to change at the same pace  
6 that they're changing now, we will never be done.

7 But that's okay. That's -- that's, in  
8 fact, even good.

9 I view this item as something that puts a  
10 few policy stakes in the ground to help everybody move  
11 forward to the next step. We may find that we've made  
12 some missteps, but this Commission is always ready to look  
13 at course corrections and make them if we need them.

14 So I am in support of this item.

15 CHAIR ZIBELMAN: Thank you.

16 Commissioner Burman?

17 COMMISSIONER BURMAN: Thank you.

18 The future -- the future often unfolds in  
19 ways we don't anticipate. And at times, we can get our  
20 assumptions wrong. We're lucky when we get them  
21 completely right.

22 So when we look at major overhauls like the  
23 Reforming Energy Vision, it's important that we continue  
24 to make sure that the road map is there and we are focused  
25 on moving expeditiously, but, at the same time, slowly, so

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2       that we don't -- especially because of the scope of the  
3       challenge in front of us is so broad, that we don't  
4       overlook major gaps and that we do so with deliberation  
5       and thinking through the consequences, both positive and  
6       negative and make sure that we are fully engaged in  
7       righting the ship.

8               When I look to this, there are aspects of  
9       the Order that I'm happy with and there are aspects that  
10      I'm not. But I think that the engagement of making sure  
11      that we put out there items and -- and Commission Sayre  
12      said that there were a hundred policy opportunities in  
13      there. I'd like to ask for a copy of the list of a  
14      hundred, just to make sure I -- I thought I only got 99,  
15      so I want to figure out which.

16             But I do think that it's important that  
17      folks understand that we are at sort of the Track 2 point.  
18      It's a definite inflection point for us and something that  
19      now we can have a clearer roadmap where we are working on  
20      and drilling down on the necessary aspects.

21             It doesn't mean our work is done. Some may  
22      read the Order and say okay, what did -- what did they do.  
23      And that's a good thing. That's part of what we need to  
24      then make sure we're communicating and engaging on the  
25      different aspects.

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2 We've looked at, carefully, the standby  
3 rates and talked about addressing that more holistically.  
4 It's -- we look at the interconnection process. I am very  
5 concerned about the current interconnection process. I  
6 think it -- it's something that is very important, and to  
7 make sure that it works for all New Yorkers in a positive  
8 way, and we fully engage on that issue.

9 I am happy to see that we incorporate the  
10 DSIP process in here and the DSIPs will come back before  
11 the Commission. So as in the DSIP Order, where I wasn't  
12 fully on board with all of the aspects, to the extent that  
13 the Commission would be voting on it, going forward, I was  
14 supportive of it and it's similar here.

15 I am concerned about the role of the Clean  
16 Energy Advisory Council and making sure that we have a  
17 clear understanding of what their charge are and what  
18 their -- their input is and how we, as a Commission, will  
19 be engaged on that and taking steps to address whatever  
20 comes out of there -- of that. Especially because it's an  
21 advisory council, you know, they're coming up with  
22 different targets. And others may cause some confusion on  
23 what that means and where the Commission's voice is. And  
24 I think that's important.

25 To the extent that you talk about the

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2 study, will the study and the -- and the recommendations  
3 that come from that come back to the Commission?

4 MR. STEGEMOELLER: The -- you're talking  
5 about the rate design --

6 COMMISSIONER BURMAN: Uh-huh.

7 MR. STEGEMOELLER: -- bill impact study?

8 Oh, yes. The -- that's -- that's a --  
9 that's a long process that will --.

10 COMMISSIONER BURMAN: Right. Okay.

11 MR. STEGEMOELLER: Yeah. Yeah.

12 COMMISSIONER BURMAN: I just wanted to make  
13 sure --

14 MR. STEGEMOELLER: It's -- it will start --

15 COMMISSIONER BURMAN: -- that that's clear.

16 MR. STEGEMOELLER: -- with Staff coming  
17 back to the Commission with -- with a report on just the  
18 scope of the study.

19 COMMISSIONER BURMAN: Uh-huh.

20 MR. STEGEMOELLER: And then -- yes. I --  
21 any sort of action on mass market rate designs would come  
22 to the Commission at least once.

23 COMMISSIONER BURMAN: Okay. Great.

24 You know, rate structure and rate design  
25 principles are very important. And I don't think there's

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2 any dispute that folks are looking forward to a drill-down  
3 on rate design and how that does play out. And -- and the  
4 impacts and the -- have crucial importance for not only  
5 utilities, but consumers and public policy in general.

6 So I am happy to hear Doris speak about the  
7 financial community. And that's something that we really  
8 need to make sure, when we go forward with this, that we  
9 are very cognizant of because financially healthy  
10 utilities is very important to the economic stability of  
11 New York.

12 And so I -- I can't bless everything in the  
13 Order, but I can, you know, say that I am in concurrence,  
14 in a limited fashion, to the extent that it helps move the  
15 ball forward and provides clear guidance. And so I look  
16 forward to that opportunity.

17 I do want to just say that there's 2 things  
18 noteworthy to me, as an aside.

19 Rudy, I did not recognize you when you  
20 first came in today because you had a tie on. So it took  
21 me --

22 MR. STEGEMOELLER: It was in the --

23 COMMISSIONER BURMAN: -- by shock.

24 MR. STEGEMOELLER: -- bottom of one of my  
25 drawers.

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2 COMMISSIONER BURMAN: And the other thing  
3 is -- is that I'm not really -- the acronym for EAM --  
4 EAMS, what are we calling it?

5 MR. STEGEMOELLER: Earnings Adjustment --.

6 COMMISSIONER BURMAN: No, but what are we -  
7 - what are we --

8 MR. STEGEMOELLER: Oh.

9 COMMISSIONER BURMAN: -- calling it? Like  
10 is it EAMS? Is it IAMS?

11 MR. STEGEMOELLER: It's EAM Sorry, I was  
12 just --.

13 COMMISSIONER BURMAN: Right. Because it's  
14 EIAMS?

15 MR. STEGEMOELLER: Unless you have to say  
16 it a hundred times --

17 COMMISSIONER BURMAN: Right.

18 MR. STEGEMOELLER: -- in the same day --

19 COMMISSIONER BURMAN: No.

20 MR. STEGEMOELLER: -- we're just calling it  
21 --.

22 COMMISSIONER BURMAN: I keep thinking it's  
23 IAMS, the dog food, so I'm cognizant of that.

24 I -- I do want to thank all the Staff  
25 that's worked so diligently on this item and I look

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2 forward to some more spirited discussions and  
3 collaboration. So thank you.

4 CHAIR ZIBELMAN: Thank you.

5 So I -- I've actually -- I've read recently  
6 that if you learn a new acronym a day, it'll probably ward  
7 off dementia. So we're just on a roll here.

8 Appreciate everyone's comments. I think  
9 that the -- the -- that -- that the -- one thing I believe  
10 we all agree to, that -- that -- while traditional cost of  
11 service ratemaking has -- has really served us well in  
12 this state and that this state has probably been as -- the  
13 most forward-looking in terms of changes around revenue  
14 decoupling mechanisms, forward-looking test years, various  
15 other mechanisms that have allowed our utilities to be  
16 economically indifferent to things like energy efficiency  
17 and DER

18 We are really taking the next leap forward  
19 and saying we don't want you to be indifferent, we want  
20 you to like it. And so a good portion of this is to  
21 really moves us to the next level, where we're really --  
22 like we said in the first Order, putting our utilities in  
23 a position that they can start looking at these resources  
24 as ways of really providing value to their customers and  
25 value to their shareholders.

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2 And that's -- that's really -- bottom line  
3 is that symmetry is -- is really what we want to do.

4 The other 2 things that I think both my  
5 colleagues -- all my colleagues mentioned, you know, we  
6 recognize and we're respectful of the fact that we can't  
7 curate the future. All we can do is really lay the  
8 platform out so that the utilities and our customers can  
9 be successful in that and to make sure we're willing to  
10 make adjustments as things go on.

11 But -- but most importantly is to -- is to  
12 recognize that, you know, as things change, it's more  
13 dangerous to sort of regulate in a rearview mirror and try  
14 to keep things as they are. It's much better for  
15 consumers and the utilities that we regulate, to look  
16 forward and -- and give us that way to the future. And I  
17 -- I think that that's what this Order's all about.

18 So with that, I am going to move to a vote,  
19 if I can find my note.

20 So all those in favor of item -- this is  
21 like all this work and it just comes down to the same  
22 sentence.

23 All those in favor in Item 302, as it  
24 relates to the ratemaking and utility revenue model policy  
25 framework, as presented by Mr. Stegemoeller, please

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2 indicate by saying aye.

3 COMMISSIONER ACAMPORA: Aye.

4 COMMISSIONER SAYRE: Aye.

5 COMMISSIONER BURMAN: And I concur in  
6 limited fashion.

7 CHAIR ZIBELMAN: So hearing no opposition,  
8 the recommendations are adopted.

9 Thank you all very much. And again, thank  
10 you Staff and Parties for all your great work.

11 We'll now move to the consent agenda. Do  
12 any of the Commissioners want to recuse from any voting on  
13 any of the consent agenda items?

14 It seems like we're past that. So hearing  
15 none, any -- all those in favor of the consent -- you have  
16 comments?

17 COMMISSIONER BURMAN: Yeah, just on Item  
18 269, which is the Clean Energy Standard EIS, where the PSC  
19 is considering passing the resolution, accepting the Final  
20 Supplemental Environmental Impact Statement of the Clean  
21 Energy Standard as complete.

22 Because this is accepting the final EIS as  
23 complete, as a necessary step to move forward, I'm  
24 supportive, but it in no way indicates I take a position  
25 on the final Clean Energy Standard item before us.

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2 CHAIR ZIBELMAN: And I think that's true  
3 for all of us; right? Correct? Staff's --? Okay.

4 All right. So all those in favor of the  
5 recommendations of the consent agenda, please indicate by  
6 saying aye?

7 COMMISSIONER BURMAN: Aye.

8 COMMISSIONER ACAMPORA: Aye.

9 COMMISSIONER SAYRE: Aye.

10 CHAIR ZIBELMAN: Opposed?

11 Hearing no opposition, there being none,  
12 the recommendations are adopted.

13 Secretary Burgess, anything in -- more in  
14 front of us today?

15 SECRETARY BURGESS: There's nothing more  
16 before you today. And the next Commission Session is  
17 Wednesday, June 15th.

18 CHAIR ZIBELMAN: Good. Thank you.

19 Thank you, everybody.

20 (The session concluded at 1:04 p.m.)

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2 STATE OF NEW YORK

3 I, HOWARD HUBBARD, do hereby certify that the foregoing  
4 was reported by me, in the cause, at the time and place,  
5 as stated in the caption hereto, at Page 1 hereof; that  
6 the foregoing typewritten transcription consisting of  
7 pages 1 through 113, is a true record of all proceedings  
8 had at the hearing.

9 IN WITNESS WHEREOF, I have hereunto  
10 subscribed my name, this the 26th day of May, 2016.

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13 Howard Hubbard, Reporter

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