

Public Service Commission - Commission Meeting
December 13, 2018

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TRANSCRIPT OF THE
PUBLIC SERVICE COMMISSION
COMMISSION MEETING

THURSDAY, DECEMBER 13, 2018
90 CHURCH STREET
BOROUGH OF MANHATTAN
10:31 a.m.

Reported By:
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MEETING CONVENED AT 10:31 a.m.

PRESENT:

JOHN B. RHODES, CHAIR

DIANE X. BURMAN, COMMISSIONER

GREGG C. SAYRE, COMMISSIONER

JAMES S. ALESI, COMMISSIONER

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2 CHAIR RHODES: I call this
3 session of the Public Service Commission
4 to order.

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

7 SECRETARY BURGESS: Good morning, Chair
8 and commissioners.

9 There's no changes to this
10 morning's agenda.

11 CHAIR RHODES: Thank you.

12 Let's begin with the first item
13 for discussion. Item 201, Case 18-M-0084,
14 which is in the matter of a comprehensive
15 energy efficiency initiative. Presented
16 by Rudy Stegemoeller, Special Assistant
17 for Energy Policy. Peggie Neville, Deputy
18 Director Office of Clean Energy, and Ted
19 Kelly, Assistant Counsel, available for
20 questions.

21 Rudy, please begin.

22 MR. STEGEMOELLER: Thank you.
23 Good morning.

24 Before you is an order to
25 accelerate the efficiency targets for

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utilities. The main basis for the order is a white paper that staff and NYSERDA released in April of this year. Between then and now 13 public forums have been conducted and two rounds of comments.

The chief action in this order is to adopt a 31 trillion BTU target for the jurisdictional utilities through 2025. That 31 btu's is incremental to levels that had already been approved for the utilities as of April when the white paper was released.

There are two subsidiary targets. The first is a 3 percent reduction in electricity sales by 2025. And the second is a minimum of 5 btu's of heat pumps. Also, at least 20 percent of the incremental budget will be dedicated to low and moderate income customer programs.

The context of the action is a statewide goal of 185 btu's, which is detailed in the white paper. Most of that 185 Btu -- again, that's through 2025 -- most of that is either non-jurisdictional

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2 or has already been approved. So this
3 order deals with the increments that the
4 utilities will be excepted to contribute
5 to that between now and 2025.

6 The estimated outlay to achieve
7 that is \$1.6 billion. The estimated
8 direct bill impacts for nonparticipating
9 residential customers is 0.6 percent for
10 electric customers, 0.1 percent for gas
11 customers. The estimated bill savings for
12 participating customers are in the
13 neighborhood of \$15 billion, but that does
14 not count those customer's investments to
15 achieve the savings -- in other words, the
16 private investments those customers
17 (inaudible). But the real savings
18 themselves is estimated at the \$15
19 billion.

20 The process to set these targets
21 is two-staged. First, in this order, the
22 2019 and 2020 targets are assigned
23 directly. These are built up from the
24 levels that they set in the ETIP and then
25 they are adjusted for each utility.

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Because some utilities have already advanced through rate cases and some less so. So the targets here will put all the utilities roughly on the same track through 2020.

And second, the order sets up a process for utility-specific targets for 2021 to 2025. Utilities in March -- not later than the end of March 2019 will jointly file a set of targets and budgets. They'll do this in consultation with NYSERDA.

This order contains a set of presumptive targets and budgets through 2025 nonbinding based on a pro-rata ramp up for each utility. The utilities have asked for a chance to reduce cost and refine the program mix by tailoring it to the needs of their own service territories based on their own potential studies. So this accommodates that request from the utilities.

The overall target 31 btu's is adopted here and what the utilities file

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in March of 2019 can't be less than that.
If they don't file something that meets
the requirements of this order, then the
presumptive targets that are pertained in
the appendix would go forward by default.
And then only going forward to the further
comment process.

Either way there will be another
round of public scrutiny and comment
before the Commission acts at some point
next year to adopt the 2021 to 2025
targets and budgets. So the process is
designed to provide the flexibility to
achieve the btu's targets at the lowest
cost to the ratepayer.

Delivered fuel customers will be
eligible under certain conditions.
Delivered fuel being mostly oil and
propane.

You can hear me, I hope. I can
barely hear myself.

UNKNOWN SPEAKER 1: Can everybody
shut off your Blackberry or any portable
device?

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2 CHAIR RHODES: Did everybody
3 hear that?

4 UNKNOWN SPEAKER 2: No. No.

5 CHAIR RHODES: Sorry. We are
6 dealing -- we are trying to grapple with
7 the acoustic issue, which I think is
8 apparent to everybody.

9 COMMISSIONER BURMAN: May I make a motion
10 that we suspend the meeting for a moment?

11 CHAIR RHODES: Thank you.
12 Let's do that.

13 (Whereupon, a recess was taken at
14 this time.)

15 CHAIR RHODES: With that we are
16 back in action.

17 MR. STEGEMOELLER: Okay. We
18 ready?

19 CHAIR RHODES: Let me ask,
20 Secretary Burgess, do we need to repeat
21 the opening remarks or do we believe that
22 the --

23 MR. STEGEMOELLER: I didn't say
24 anything meaningful anyway.

25 SECRETARY BURGESS: I think it might be

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2 helpful just because maybe not everybody
3 heard it. I'm sure it's in the record but
4 I think just to be helpful it'd be good to
5 start from the beginning.

6 CHAIR RHODES: So with
7 apologizes for the possible redundancies,
8 Rudy, can you begin again, please?

9 MR. STEGEMOELLER: Sure.

10 CHAIR RHODES: Thank you.

11 MR. STEGEMOELLER: Okay. Do you
12 want me to just summarize what I said
13 or --

14 SECRETARY BURGESS: Start from the
15 beginning.

16 MR. STEGEMOELLER: Okay. The
17 whole thing, okay.

18 You have before you an order to
19 accelerate the energy efficiency targets
20 for public utilities. The main basis for
21 the order is a white paper that was
22 released by staff and NYSERDA in April of
23 this year. And during the -- subsequent
24 to the release of the white paper there
25 have been 13 public forums and 2 rounds of

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2 comment.

3 The chief action in the order is
4 to adopt a target of 31 trillion Btu's of
5 energy efficiency for the jurisdictional
6 utilities through 2025. That target is
7 incremental to levels already approved for
8 the utilities as of April of this year, as
9 of the time when the white paper was
10 released.

11 There are two subsidiary targets.
12 A 3 percent reduction in electric sales by
13 2025 and a minimum of 5 TBtu's of heat pump
14 savings. Also, at least 20 percent of the
15 incremental budget will be dedicated to
16 low and moderate income customers.

17 The action -- this action is set
18 in the context of a statewide 185 TBtu's
19 goal by 2025, which is -- which is
20 detailed in the white paper. The majority
21 of that -- of those 185 TBtu's are either
22 already in process or attributed to
23 non-jurisdictional entities. So the
24 concern of this order is with increments
25 that the jurisdictional utilities will be

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2 excepted to achieve through 2025.

3 The estimated outlay to achieve
4 that is \$1.6 billion. The estimated
5 direct bill impacts on nonparticipating
6 residential customers is 0.6 percent
7 electric customers, 0.1 percent gas. The
8 estimated bill savings for participating
9 customers are around \$15 billion. That
10 does not count those customer's private
11 investments in the efficiency measures to
12 achieve.

13 The process to set the targets is
14 two-staged. First, in this order, the
15 2019 and 2020 targets are assigned
16 directly -- targets and budgets. These
17 are built up from the ETIP levels to put
18 everybody onto roughly the same track.
19 They are adjusted for each utility because
20 some have advanced further through rate
21 cases than others have. Again, this
22 doesn't put them onto exactly equal tracks
23 but roughly.

24 Second, the order sets up a
25 further process for the utility-specific

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2 targets from 2021 to 2025 -- targets and
3 budgets, I'm sorry. Utilities will
4 jointly file, not later than the end of
5 March of 2019, a set of targets and
6 budgets. They'll do that in consultation
7 with NYSERDA. It's not a joint filing
8 with NYSERDA. The CEF is not part of this
9 order. Excuse me. Excuse me.

10 This order contains a set of
11 presumptive targets and budgets in the
12 appendix. These are not binding. They're
13 not being adopted here. They are based on
14 a pro-rata ramp up for each utility
15 through 2025. The utilities have asked
16 for a chance to reduce cost and improve on
17 the overall, you know, set of programs by
18 tailoring it to their specific utility
19 territory needs. They will each have
20 their own potential studies to use.

21 The overall target is adopted
22 here. The filing the utilities make in
23 2019 can't be less than that. If they
24 don't file something that meets this
25 order's requirements then the presumptive

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2 targets will be put forward.

3 Either way there is another round
4 of public scrutiny and comment before it
5 comes back to the Commission at some point
6 in 2019 for approval of the 2021 to 2025
7 targets and budgets. So the process is
8 designed to produce flexibility to achieve
9 the TBTU's targets at the lowest cost to
10 ratepayers.

11 Delivered fuel, which is mostly
12 oil and propane -- customers will be
13 eligible under certain conditions. The
14 delivered fuel programs have to lower
15 overall costs. They have to produce
16 savings of -- of the utilities own product
17 and it can't involve installation of new
18 oil or propane burning equipment. The
19 best example of that would be, thermal
20 installation improvements for a customer
21 that heats with oil and has
22 air-conditioning. You're going to save
23 btu's from -- electric btu's in the summer
24 and it would save oil btu's in the winter
25 and they would all count towards the

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2 statewide target.

3 Okay. So along with -- I think
4 now we got to the point where -- where I
5 started before. Excuse me.

6 Along with the main action of
7 adopting targets, setting up a process to
8 finalize the targets, there are a number
9 of actions designed to reduce costs and
10 improve implementation.

11 Access to customer data is a major
12 cost driver. This order tackles that
13 issue in several ways: Clarifies the
14 conditions under which utilities'
15 contractors can use data provided by
16 utilities; it accelerates the
17 implementation of Green Button Connect or
18 similar -- or products similar to Green
19 Button Connect; creates a process to
20 develop data access terms and conditions
21 under Green Button Connect; it establishes
22 a standard that once consent has been --
23 once there is consent from the customer it
24 should be no more difficult for the
25 developer to get the data than it is for

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2 the customer to get their own data; it
3 describes ways to develop windows and
4 opportunities to gain consent from
5 customers; it requires the utilities to
6 prepare for statewide benchmarking; and
7 initiates pilots to better identify areas
8 with concentrations of likely customers.

9 The data issue is not isolated to
10 energy efficiency. It cuts across all
11 distributed resources. And for that
12 reason the order announces that a separate
13 proceeding will be started on customer
14 data access issues applicable to providers
15 of all types of DER. The main, you know,
16 the chief mission of that proceeding is to
17 maximum the useful access to data while
18 appropriately protecting customer privacy.

19 Other cost reduction opportunities
20 discussed in the order include kickers,
21 which capture locational and time-based
22 values. Kickers will be -- will be used
23 to supplement program incentives and
24 thereby reduce program costs. Innovative
25 program approaches are encouraged, such as

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2 paper pay for performance. The
3 flexibility to shift targets among fuel
4 types is a cost reduction possibility.

5 And finally the order sets up a
6 performance improvement process, which is
7 an implementation thing, that will be run
8 by staff with the utilities and NYSERDA
9 essentially to program administration and
10 develop best practices. And outreach to
11 market participants will be a major
12 element of that project.

13 Heat pumps have a large potential
14 for cost effective efficiency. They also
15 serve the state's beneficial
16 electrification policy. The order sets up
17 a subsidiary target of at least 5 Tbtu's.
18 This will be -- this will be done with a
19 statewide uniform program administration
20 in which NYSERDA is expected play a
21 central role.

22 Where a heat pump replaces an oil
23 or propane furnace it creates a benefit to
24 electric customers because you have -- you
25 have -- while you're reducing total btu's,

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2 you're increasing electric sales and the
3 more sale's units across which you can
4 recover the utilities costs, the better
5 off the ratepayers are. So a portion of
6 that benefit will be captured to reduce
7 ratepayer costs for the heat pump
8 incentives themselves.

9 Regarding low and moderate income
10 customers the order requires that at least
11 20 percent of incremental budgets will be
12 dedicated to LMI programs. There's a
13 strong emphasis on improving the
14 coordination of program administration
15 between NYSERDA and utilities. There were
16 7 stakeholders forums across the state on
17 LMI issues conducted as part of this
18 proceeding.

19 Just this past Monday, I believe,
20 a summary of those forums was filed. The
21 order requires staff and NYSERDA to issue
22 a report by the end of January next year
23 on that summary including recommendations
24 and that will inform the utilities
25 deliberations -- and will inform the

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2 utilities filing in March.

3 The regulatory issues, utilities
4 will continue to recover prudently
5 incurred costs. Typically that will
6 happen as that will be in the form of
7 operating expenses. It is possible in
8 rate cases that utilities may be allowed
9 to amortize their cost if they can
10 demonstrate that that's in the ratepayers
11 interest. That would typically happen in
12 the context of a given rate plan.

13 EAMs -- utility incentives -- will
14 be used to achieve ratepayer savings. As
15 a general rule they won't be added on top
16 of program costs. They will be based
17 shared savings cost reductions below
18 budgeted levels. They may also be used to
19 encourage utilities to bring forward
20 innovative programs typically involving
21 third parties that have -- that have --
22 the program budget levels themselves have
23 very low costs compared to what has
24 typically been required for that sort of a
25 measure.

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2 And finally, rate design,
3 efficiency expenses have always been
4 recovered through volumetric rates because
5 there is a great emphasis now on -- on
6 peak reduction benefits of energy
7 efficiency the order says that in
8 particular rate cases some costs may be
9 recovered on a demand basis. That will be
10 left to -- that will be a rate case
11 specific decision.

12 So to sum up utilities will
13 immediately begin to implement their
14 targets for 2019 and 2020. The Commission
15 will see a joint filing by the utilities
16 in March of 2019, which will then go
17 through the SAPA process. The Commission
18 will act again, at some point in 2019, to
19 adopt the targets and budgets for the '21
20 to '25 period.

21 And with that Peggy's here to
22 answer questions.

23 CHAIR RHODES: So thank you
24 very much.

25 I'm very encouraged that this is

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2 coming before us. Energy efficiency is
3 clearly one of the very best resources we
4 can tap into. It delivers bill savings,
5 it delivers energy savings, it delivers
6 carbon savings, and it's consistent --
7 deeply consistent with -- in fact,
8 indispensable to our REV goals of clean,
9 affordable, and reliable. And we know
10 that there's progress to be made.

11 I find that the approach taken
12 here, in a word is right. I think the
13 staged model makes sense. That we can get
14 going for '19 and '20 immediately but we
15 can be thoughtful and planful as -- as we
16 take on the new for the years '21 to '25.
17 I think it's good that we are integrating
18 this into a utility business into utility
19 what we expect from them.

20 I certainly like the idea that we
21 are focused on reducing costs and
22 effectively achieving far greater
23 efficiency in our efficiency. I think
24 it's good that we are engaging new
25 resources -- data, heat pumps, more

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2 innovation from the market. I think it's
3 good that we are focused on performance
4 and improving performance. I see this as
5 a path to do more in a sensible, good for
6 New York way. It's important, it's well
7 thought out, and I'm going to support
8 this.

9 Commissioner Sayre.

10 CommissionER SAYRE: I will do
11 this without a microphone.

12 It's often said that the cheapest
13 and the cleanest form of energy is the
14 so-called megawatt. The energy that we
15 don't use because we conserve. This
16 initiative will produce a lot of
17 megawatts. The direct benefit from the
18 megawatts of course goes to the customers
19 who use less and save on their bills.

20 But one of the best things about
21 this program as it's proposed and designed
22 here, is that not only do the participants
23 benefit very greatly, but the
24 non-participants will only see a very
25 small increase in their bills. Well under

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one percent, as Rudy said early.

Indirectly the benefits are even greater. The benefits to society from not generating and not using energy are enormous. This item will help move New York towards its goal of addressing not only climate change but also pollution from the generation and use of electricity.

I'm very pleased to support the item.

CHAIR RHODES: Commissioner Burman.

COMMISSIONER BURMAN: Thank you.

I do have a couple of questions that I hope you can answer, if not, just let me know.

One is, this order talks about LMI and looking at next steps for that. Is the intention -- when I look at the draft order it speaks to an expected filing to be made by the utilities on that. Can you speak a little bit about that in particular? What exactly you mean by

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2 expected to file, and what that may look
3 like, and whether it comes back to the
4 Commission, itself?

5 MR. STEGEMOELLER: The
6 implementation plan?

7 COMMISSIONER BURMAN: Yeah.

8 MR. STEGEMOELLER: That's -- so
9 because the Commission will act again next
10 year, this is -- this is really -- it's a
11 little unusual to be in an order but it's
12 sort of heads up.

13 That we expect that the Commission
14 will order next time around an implementation
15 plan to be filed within 60 days or
16 something like that. And so this is --
17 that decision will get made next year by
18 the Commission and whether it needs to
19 come back to the Commission or not would
20 be decided at that time. And you probably
21 want to take into account how quickly
22 things need to get moving. You know,
23 whether the time delay of coming back to
24 the Commission going to -- how that's
25 going to effect, you know, the outlay of

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2 the plan. But that's a decision for the
3 Commission to make next year.

4 MS. NEVILLE: Rudy, I'll just add
5 to that.

6 In the March filing that will be
7 coming in that the joint utilities will be
8 filing proposing their budgets and
9 targets, that March filing will also
10 include, kind of, the general framework
11 for the LMI initiative. So the idea --
12 the reference to the implementation plan
13 is that the March filing will come in,
14 that will go through the SAPA process. As
15 Rudy mentioned, there will be an
16 opportunity for public comment on that
17 after the Commission asks for the next
18 time.

19 The sense is that there may be
20 more, you know, discreet implementation
21 because it would be better suited for an
22 implementation plan after the clarity of
23 the next order. But you will have a lot
24 more visibility in the March filing about
25 what the LMI proposal will be. So that

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2 will be the first viewpoint of where you
3 see the statewide LMI approach being
4 taken. And that will go through a public
5 comment process.

6 COMMISSIONER BURMAN: Okay. That's good.
7 So it would go through a comment process
8 and then come to the Commission.

9 I just do want to flag for folks,
10 we all are very interested in LMI and
11 successful LMI programs and that show,
12 sort of, verifiable solutions. But I am
13 mindful that it's, you know, as I sit
14 here, this isn't the first time we've
15 addressed this and we have looked at the
16 issues fairly robustly but actually in
17 many, sort of, different white papers,
18 forums, et cetera. You know, there's the
19 February 2017 report that came out, I
20 think, through the CEAC and then there's
21 also the white paper that came out --
22 actually, I don't know if it's a white
23 paper but a summary report of the forums
24 that came out this week. I have not
25 drilled down on that one but I did look at

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it fairly quickly among other things and saw that it matched up a lot of the same issues that had been addressed in the other report. And those are just two, there are others. And then we also had the energy affordability program.

What I really want to make sure is that we also carefully look at all of those different reports and filings and try to parse through that in a way that makes sense to get some of the critical issues so that we're -- we are identifying what we see as potentially viable. And also some coordination among them. So that that -- I think that would be very helpful so that we're not sort of doing it all over again and not getting far. Because the ultimate goal for me is that we make progress on this issue rather than just, you know, sort of repeating the same thing. That's important to do.

But also to the extent that we expect to file and that the Commission may act on what that is, I don't want to

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2 prejudice what it may or may not be and
3 whether or not it's appropriate for a
4 implementation plan separating filing or
5 I'd be looking at it through the way we do
6 with the energy affordability through the
7 rate proceedings is something that we need
8 to be mindful of.

9 And also remember we had a target
10 with CDG when we first started with the
11 20 percent and there problems with that.
12 Again, I think there were some reports
13 that came out showcasing some of the
14 barriers and challenges. So my goal
15 really is for us to be making positive
16 incremental changes and taking this -- all
17 of the documents and all of the data that
18 we've gotten and all of the comments from
19 people in a way that starts breaking that
20 down rather than just repeating. So
21 that's just on the LMI piece of it. So
22 just focus that on you.

23 There -- there is in the draft
24 order mention and you talked about it,
25 Rudy, on the performance management end of

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2 the improvement process, that the staff
3 would be working with the utilities and
4 NYSERDA and looking at that. My -- while
5 I do think that's really a very good idea,
6 I do think that we do need to be mindful
7 that there are performance management and
8 improvement processes that we ourselves --
9 may be important for us to consider.

10 I don't want it is to be that
11 staff is directing folks to do things a
12 certain way because this is how we think
13 it should be done. To the extent that we
14 facilitate proper management and
15 improvement processes for consideration
16 but they -- we also may be open to
17 feedback from others on other ways that we
18 can do it. We've done it in the SAR, as
19 well as others, we need to really be
20 looking at it from a thoughtful
21 perspective. And that this shouldn't just
22 be for the sake of doing it but really
23 making sure that it's working in a way
24 that's helpful to all participants. So I
25 just.

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2 MR. STEGEMOELLER: Just to
3 clarify, and it is designed to be a
4 constructive, proactive, and mostly
5 informal process. Where it becomes formal
6 if there's a specific critique, a specific
7 recommendation on how to improve a program
8 that seems pretty important that staff has
9 that a utility is rejecting. Staff can
10 file -- staff will file that with the
11 Commission and then the utility will be
12 required to file a response.

13 COMMISSIONER BURMAN: Okay.

14 MR. STEGEMOELLER: And then where
15 it goes from there depends on the gravity
16 of it and, you know, whether there's an
17 agreement or not. It could come to the
18 Commission; it doesn't have to come to the
19 Commission.

20 COMMISSIONER BURMAN: I think the idea is a
21 good one and I am supportive. I just want
22 to be mindful that you remember the intent
23 of this and not, you know, sometimes we
24 can be a little bit bureaucratic and siloed.
25 So I just want -- not saying everybody but

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2 I just want to -- and not saying me -- but
3 I do want to be mindful that we do look at
4 that, of what the ultimate goal is,
5 because it can be a positive that we are
6 looking at process improvements in that
7 fashion.

8 There is mention in the draft
9 report about the self-direct programs and
10 to the extent that these were helpful from
11 looking at that. There is a disconnect a
12 little bit in the draft language as it
13 relates to the self-direct programs
14 because I do believe there's just a
15 petition filed seeking to undo the
16 self-direct program for at least one
17 utility. I want to make sure that -- what
18 that match up or mismatches is.

19 MS. NEVILLE: Sure. I can handle
20 that.

21 So in the March 2018 ETIP order we
22 spoke to the previous requirement that all
23 utilities run a self-direct program for
24 large customers. The utilities have been
25 at that, I think, since 2017 was the

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2 beginning of those. Unfortunately we have
3 not seen a tremendous amount of
4 participation in that for a variety of
5 reasons.

6 So in the March order the
7 Commission required utilities to reassess
8 their self-direct programs. And to the
9 extent that they didn't plan to continue
10 them into 2018, make a filing to let us
11 know that. So that's probably the filing
12 you're referring to.

13 COMMISSIONER BURMAN: Mm-hmm.

14 MS. NEVILLE: The fact that large
15 customers haven't participated in the
16 self-direct doesn't mean large customers
17 aren't participating in EE. In some cases
18 those large customers have found it more
19 advantageous to work through their core
20 programs as opposed to the self-direct.

21 So here, in this order, we're
22 recognizing that coming out of the gate
23 the self-direct programs as they were --
24 we didn't get it quite right. It didn't
25 result in the outcomes that we were

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2 looking for. So we encourage utilities to
3 continue to work with this customer class
4 because we believe their important to
5 helping us obtain our goals. And we
6 reference some pilot programs that NYSERDA
7 has undertaken in the clean energy fund
8 that was trying to test out different
9 models for, kind of, achieving a similar
10 self-direct type of an approach. So we're
11 trying to, kind of, match that up and
12 watch to the extent that there's value and
13 opportunity there that maybe we could
14 integrate that more fully as we move
15 forward with these programs.

16 COMMISSIONER BURMAN: Okay. That's very
17 helpful. Thank you.

18 I do want to flag a couple of
19 things before I make some closing remarks
20 but that -- MI and UIU's filings really
21 spoke to me. I really found very much --
22 while a lot of the filings were very
23 helpful but MI and UIU did a very good job
24 of really channeling a lot of the
25 concerns that I have. Especially as it

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2 relates to how are we going to quantify
3 the savings and to the extent of what
4 exactly does this mean from a cost
5 perspective. And looking at some of the
6 factors that are important in this
7 evaluation process.

8 UIU in particular talked about
9 beneficial electrification. And while we
10 have an ongoing proceeding looking at some
11 of these issues, I do think we gave a
12 little bit short strip to UIU and some of
13 their concerns. I think we try to
14 incorporate it, especially because we'll
15 be looking at some other -- other white
16 papers that are coming out, as well as new
17 proceeding, as well as a number of
18 different next steps. So there will be an
19 opportunity for that.

20 But I do really think that -- the
21 thing that struck me is there were very
22 few consumer advocates, if any, other than
23 UIU in this proceeding. And while there
24 folks who had a particular -- there's a
25 laundry list of things that had a

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2 particular interest for, you know, there
3 particular customers, which does make
4 up -- you know, does weigh heavily on me
5 that we didn't have some other statewide
6 public advocacy -- consumer advocates in
7 there. And I want to be mindful that
8 UIU's voice, I think, is many times a lone
9 one and we need to look at incorporating
10 some of those thoughts in a way that may
11 need to get flushed out.

12 In particular, one of the concerns
13 I have is, that UIU raised, where UIU
14 talks about the system load profiles and
15 large scale deployment of heat pumps and
16 what that may look like with the
17 penetration levels. And while we talk and
18 showcase based from the data that the shift
19 in the system load profiles is not large at
20 this time, and therefore some of those
21 impacts won't be felt.

22 We do note that UIU is correct,
23 this may be a specific long-term factor.
24 And it's not just with heat pump
25 penetration but with DER penetration and

1 Proceedings

2 other things in general. And to me, that
3 really hit for me, as something that's a
4 real critical issue and that looking at
5 the resiliency, the reliability, that
6 impact, the penetration of DERs. And
7 making sure that we do it in a way that
8 helps from a transition perspective and
9 does not have unintended consequences of
10 not being able to facilitate a proper
11 penetration. We need to really be careful
12 on that.

13 So I just flag it because while we
14 recognize that UIU is correct, we did not
15 really focus on what the next steps were
16 in here. And I know we will be doing that
17 in other places but I do just want to flag
18 it that I believe that's a critical
19 element for us to look at across the
20 board.

21 The other comment I have is that
22 there seems to be -- and this is a good
23 thing in many respects -- a heavy -- how
24 do I word this -- heavy emphasis on
25 working with NYSERDA. And I think we need

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to be mindful of looking at what that may mean. And also really -- I'd like to truly understand a little bit more NYSERDA's role in general and also understand some of the challenges and opportunities with that. In a way that -- I want to be careful that we are not sending a message to the utilities that they must get the blessing of NYSERDA to do something.

I don't mean that with any disrespect to NYSERDA. I think they do an incredible job. However, I do see that it's sort of an overload creep of responsibilities and roles. And I am mindful that they are also working on other things outside of the Commission and so I do want to make sure that we're successful when we ask them to do something.

And to the extent that we need to be very mindful that NYSERDA is not just the utilities. And I think we tend to get into the habit of saying the utilities

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2 must do this and we expect the utilities
3 to not, you know, not continue same old.
4 That also needs to apply to us, as well as
5 NYSERDA, and frankly in this case I'll
6 extent it to NYPA as well.

7 While we have a lot on our plate,
8 we do need to be mindful that we need to
9 have a checks and balances on what is
10 actually the proper role and maybe there's
11 an opportunity for us to not be so --
12 trying to be in control of everything and
13 what we may need to say, okay, we'll give
14 this to you to do and work with us. It is
15 the market that we are trying to, you
16 know, incentivize. And we need to be
17 mindful that we can sometimes try to be a
18 little controlling.

19 So my really hope is that NYSERDA
20 is also mindful of coming back in thinking
21 carefully about other ways to share what
22 they're doing. Especially as it goes with
23 their funding streams and budgets but also
24 just in terms of their overlapping
25 programs in a way that we are carefully --

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we're feeling comfortable on the
accountability and measuring the success
or re-prioritizing some that may not be
helpful. And looking at whether we still
need to have NYSERDA's role in all of
that.

My caution is that the language in
here while it talks about in consultation
with many places NYSERDA and other places
it seems to give NYSERDA sort of the lead
role, which may not be inappropriate
because they can be helpful. But to the
extent that folks should also understand
that does not mean that we're advocating
control to them or that the utilities or
others should think that they need to get
the blessing. And that it's similar to
that performance management process focus,
which is we need to be open to hearing
what may not be working from our end or
NYSERDA's end as well. So I just point
that out because I do think it's important
from that perspective.

The other thing is just looking

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2 at, again, maybe it's also with NYSERDA
3 ability for them to -- I know the green
4 bank webinars. I know I've listen to
5 them. I know I look at things. And maybe
6 they can look at how they can do that
7 also. We get a lot of filings from
8 NYSERDA. It's very hard to -- for folks
9 to follow, myself included. And it would
10 be helpful if we were also able to have
11 some better handling of more, you know,
12 laymen's information in a way that people
13 feel that they're able to ask questions
14 and get more understanding on that. I
15 think that would be helpful. I just
16 wanted to point that out.

17 The other thing that I will say is
18 that there's a recognition in here, at
19 least from where I sit, and maybe I'm
20 wrong -- but there's a recognition that we
21 do say for the MI proposal as it relates
22 to looking at entertaining energy
23 efficiency proposals to allocate and
24 design rates to recover some portion of
25 energy efficiency costs on demand. We do

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2 say, I think for the first time, that --
3 we send a nod to MI that these proposals
4 may be something we're now going to
5 consider. It's not -- we are now open to
6 looking at that and that we let them -- we
7 let folks know that those proposals would
8 be developed in a rate proceeding, as each
9 utility varies in their portion of its
10 programs that are orientated toward demand
11 reduction. We look to that to be
12 facilitated in the rate proceedings.

13 The caution I have is that we need
14 to be very mindful now to the extent that
15 it is appropriate for it to be looking at
16 rate proceedings -- looking at in a rate
17 proceeding. There are cost impacts,
18 ratepayer impacts, and there are other things
19 that need to be looked at. So it makes
20 sense to put it in the rate proceeding.
21 The caution I have is that our rate
22 proceedings need to be carefully evaluated
23 in a way that helps to flush out those
24 critical issues that they have, even if
25 it's done just in one particular service

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territory. To the extent it could have then statewide impact if others adopt that or folks who may not be in those rate proceedings would not necessarily know to, you know, be involved in the flushing out of that policy as it relates to that.

Particular issue for me is, we see in here just like the Central Hudson rate case where it looked at the geothermal tax credit or rate credit. When we looked at that, that had statewide impact even though it was just in Central Hudson's territory evaluating it.

And we can see, even in this draft order, that we recognize that that has some potential hiccups. And so for me it's very important, again, I did not vote for that piece of it because of -- I did not vote for the Central Hudson rate case for a number of reasons but that was one in particular. And it showcases to me that some of the thoughts that I had on that from this draft order really validated some of my concerns. Especially

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2 because it was the only -- it was the
3 first time we were doing it.

4 And to the extent that we are
5 moving this rate design development into a
6 rate proceeding also will be potentially
7 -- depending on which utility -- it will
8 be the first time it will be done. I do
9 think we need to look at rate proceedings
10 when there are issues that may have
11 statewide impact, even if only applied
12 initially to that particular utility.

13 We need to be able to not just say
14 we're adopting because it was in the joint
15 proposal. We need to pull it out somehow
16 before it gets into the settlement
17 discussions, or flag it that even though
18 it's in the joint proposal because it has
19 -- it's novel or it has some statewide --
20 potential statewide impact or others are
21 looking at it. That that particular issue
22 may get carved out as needing a little
23 extra special attention and seeking more
24 of statewide comment period.

25 Not sure exactly how we do that

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2 but I do flag it as something that we
3 should consider. Again, back into that
4 sort of process point because it may help
5 us ultimately with a better end product in
6 addressing that. So I just flag that for
7 consideration.

8 With that there are a number of
9 other issues positive and negative that
10 are in here. And I think overall my
11 thoughts are I have always broadly
12 supported efforts to promote energy
13 efficiency. And the issues for me have
14 been how best deliver the efficiency
15 programs. We have had some successes; we
16 have had some failures. We see from the EEPs
17 program itself successes and failures, and
18 ultimately issues that we had with that.

19 We have consistently tried our
20 hardest with energy efficiency and we have
21 changed our focus and some of our
22 direction. And we need to be more mindful
23 of that. I have in the past expressed
24 concerns about cost effectiveness of
25 certain programs. I'm expressed concerns

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2 about roles and responsibilities of
3 program administrators and are they
4 adequately defined. And for me, I've
5 always focused on and I continue to,
6 ensuring that the expenditure of ratepayer
7 dollars are effectively overseen by the
8 Commission.

9 In this order I am heartened that
10 there's a clear directive to utilities to
11 design the most cost effective programs
12 tailored to their specific service
13 territories and customer base. In a state
14 as diverse as ours with densely populated
15 urban centers, suburban regions, rust belt
16 areas, and very rural communities we
17 cannot force a one size fits all approach
18 on the utilities and think we will achieve
19 our efficiency goals in a cost effective
20 manner.

21 This order, at times, recognizes
22 that each utility will have unique
23 characteristics and it's prudent for us to
24 grant them the flexibility to develop the
25 best solutions for their service areas. I

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do wish there would be more flexibility, especially as it relates to looking at the energy efficiency targets, while this is one piece of a larger pie. To the extent that a utility may be successful in one other thing that is not energy efficiency but somehow their energy efficiency targets may not be meet.

We need to be able to look at some of that flexibility and see, just like we seem to do with the uncommitted funds and moving funds around in NYSERDA. There may be an opportunity to look at the whole pie and see does it make sense we set this but we want them to focus more over here, they want to focus more over there and we can work and ultimately it leads to some of the core clean energy goals we have without necessarily being seen as a negative. That's something for us to consider.

I am also somewhat pleased that the order recognizes the coordination between utility programs and NYSERDA

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programs and looking at needing to approve. I say somewhat only because I did identify some concerns I have with that. As the utility programs evolve from this order, I also hope that the NYSERDA programs and other programs like NYPA and LIPA will also evolve.

I know we're not addressing non-jurisdictional utilities but I do think to the extent that they are also part of this and looking at that, it is important for the Commission as a whole to be focused on that as well and looking at what that means and not necessarily standing off to the side on that. I do hope that these programs continue to be optimized to deliver the best value to ratepayers.

Lastly, I am happy that we're directing the utilities to come back to the Commission with their plans to achieve these aggressive targets. I do caution we should be looking at how to optimize flexibility while looking at solutions.

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2 And the flexibility we are granting is by
3 no means a blank check. We need to look
4 carefully and make sure that we're
5 demonstrating that there -- there is a
6 focus on truly successful programs and
7 what works. And we need to be mindful of
8 the cost in doing so and we need to
9 carefully evaluate that. And make sure
10 that we are all being accountable.

11 With that I can -- I am going to
12 concur in part and dissent in part. There
13 are aspects of this, as I discussed -- so
14 ultimately I am mindful that we have a lot
15 of work to do and we are all going to be a
16 part of that team. So thank you.

17 CHAIR RHODES: Thank you very
18 much.

19 Commissioner Alesi.

20 COMMISSIONER ALESI: Thank you,
21 Mr. Chairman.

22 I'm happy to support this measure.
23 I think that it continues us on our
24 pathway to achieve our goals of
25 controlling pollution through increased

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2 efficiency and improved affordability for
3 participants, including low to moderate
4 income customers.

5 I'll be voting yes.

6 CHAIR RHODES: Thank you very
7 much.

8 So with that we will proceed to --
9 I'll proceed to call for a vote.

10 My vote is in favor of the
11 recommendation to adopt the accelerated
12 energy efficiency goals, targets, and
13 budgets as discussed.

14 Commissioner Sayre, how do you
15 vote?

16 COMMISSIONER SAYRE: Aye.

17 CHAIR RHODES: Commissioner
18 Burman, how do you vote?

19 COMMISSIONER BURMAN: I concur in part and
20 dissent in part.

21 CHAIR RHODES: Commissioner
22 Alesi, how do you vote?

23 COMMISSIONER ALESI: Yes.

24 CHAIR RHODES: The item is
25 approved and the recommendation is

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2 adopted.

3 We will now move to the second
4 item for discussion, which is in the
5 matter of an energy storage deployment
6 program. Presented jointly by Bridget
7 Woebbe, Assistant Counsel, and Marco
8 Padula, Acting Director of Markets and
9 Innovation. John Garvey, Utility
10 Supervisor, is available for questions.

11 Bridget, please begin.

12 MS. WOEBBE: Good morning, Chair
13 Rhodes and Commissioners.

14 Public Service Law Section 74
15 directs the Commission to establish a
16 statewide energy storage goal for 2030 and
17 for a deployment policy to support that
18 goal. In consultation with the New York
19 State Energy Research and Development
20 Authority, NYSEERDA, and the Long Island
21 Power Authority, LIPA, staff has done so
22 and the proposed order before you
23 accomplishes the statutory directives.

24 The order would adopt the
25 statewide goal of up 3,000 megawatts of

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2 installed, qualified, energy storage
3 systems statewide by 2030 and a deployment
4 policy that supports that goal. These
5 actions address the Commission's statutory
6 responsibilities in full compliance with
7 Public Service Law Section 74.

8 As a background, Public Service
9 Law Section 74 was enacted on
10 November 29th 2017 and was subsequently
11 amended on November 5, 2018. The
12 November 5, 2018 chapter amendment
13 made several substantive changes
14 and it directed the Commission to
15 establish this statewide energy storage
16 goal and deployment policy by December 31,
17 2018, hence action at today's session.

18 Just this Tuesday further
19 amendments to Public Service Law Section
20 74 were sent to the governor for his
21 review. These further amendments would
22 require consultations with the New York
23 Independent System Operators, NYISO, and
24 it would also add a requirement that any
25 procurement of qualified energy storage

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2 systems be awarded through a competitive
3 procurement process. These potential
4 additional requirements are best
5 practices, and all of the actions
6 contemplated in this order are fully
7 consistent with the further statutory
8 amendments if signed into law.

9 The proposed actions in this order
10 are informed by an extensive record that
11 included more than 40 public comments,
12 consultations with various entities,
13 technical conferences, and hearings held
14 on notice.

15 In order to develop the energy
16 storage goal and deployment policy
17 recommendations before you, staff has
18 ensured proper consultation with the
19 NYSERDA, LIPA, and the NYISO as envisioned
20 under Public Service Law Section 74 and
21 the legislative amendments. Staff will
22 continue to consult with these
23 organizations as well as continue to
24 engage with other stakeholders as the
25 deployment policy effectuates.

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The actions directed by this order also comply with the recent potential chapter amendment's requirement that any utility procurement shall be awarded through a competitive process.

Competitive procurements are a cornerstone of the Commission's reforming the energy vision proceeding, and energy storage procurements as directed by this order will align with this policy and incorporate competitive procurement mechanisms.

Marco Padula, the Acting Director of Markets and Innovation, will now present the overview of the deployment policy and the Commission actions contemplated by the order.

MR. PADULA: Good morning, Chair Rhodes and Commissioners.

Item 301 is a draft order establishing energy storage goal and deployment policy, which has the Commission adopting many of the recommendations contained in the New York

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State Energy Storage Roadmap, which was released back in June of this year. As you may recall the Energy Storage Roadmap provides a comprehensive strategy to encourage the deployment of 1,500 megawatts of energy storage by 2025 and 3,000 megawatts by 2030.

Broadly, the recommendations in the roadmap fall within seven categories. Those are: Retail rate actions and utility programs; utility roles and business models; direct procurement; market acceleration incentives; soft-cost reductions; clean peak actions; and wholesale market actions.

Stakeholder feedback on the roadmap was solicited by Secretary's notice issued on July 17, 2018. Stakeholders were invited to submit written initial comments and reply comments. And the Secretary's notice also altered stakeholders to three technical conferences that DPS staff and NYSERDA staff held in collaboration with the New

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York Green Bank, the New York ISO, the Long Island Power Authority, and PSEG Long Island. Those were held in New York City, in Long Island, and in Albany over the summer months.

Energy storage will be a critical electric system component in maintaining reliability and enabling renewables to provide the needed amount of penetration to reduce green house gas emissions sufficiently to satisfy the state's clean energy standard and state energy plan targets.

The draft order provides a comprehensive strategy to encourage the deployment of 1,500 megawatts of energy storage by 2025, growing to 3,000 by 2030 pursuant to Public Service Law Section 74, as described earlier by Bridget.

The draft order does this by addressing barriers, accelerating the energy storage market learning curve, driving down energy storage costs, and speeding the deployment of the

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1 highest-value energy storage applications.
2 More specifically, the draft order defers
3 decisions on rate design and value stack
4 modifications to the value of distributed
5 energy resource, or VDER, working
6 group/white paper process, which will
7 result in those issues coming before the
8 Commission for decision in early 2019.

9
10 The draft order authorizes a \$310
11 million market acceleration bridge
12 incentive, funded by uncommitted funds
13 collected through the renewable portfolio
14 standard, RPS, to be administered by the
15 New York State Energy Development
16 Authority, or NYSERDA. And directs
17 NYSERDA to file an associated
18 implementation plan and program manual.

19 The draft order also directs the
20 New York State utilities to hold
21 competitive procurements for a total of
22 350 megawatts of bulk-sited energy storage
23 systems in coordination with NYSERDA's
24 market acceleration bridge incentive for
25 this sector of the storage deployment.

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These procurements are expected to yield individual utility ratepayer benefits and therefore the draft order includes adoption of a shareholder incentive mechanism intended to maximize those benefits.

The draft order also identifies a future process regarding the establishment of a distributed energy resource data platform pilot, which would serve to test the concept of bringing together customer usage information, utility system data, asset data, and other publicly available data to determine if data correlations exist that can provide valuable information for storage and other DER developers.

To address the potential impact of the May 16, 2018 draft express terms of 6 NYCRR Part 222, from the New York State Department of Environmental Conservation related to NOX emissions; the draft order requires the development of a peaking unit reliability study that would look at the

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1 equivalent level of clean resources,
2 including energy storage, that could
3 provide the same level of reliability as
4 the existing peaking units. This study
5 would be administered by staff in
6 consultation with the ISO, NYSERDA, DEC,
7 LIPA, and Consolidated Edison.
8

9 Similarly, the draft order
10 recognizes the need for a peaking unit
11 retirement contingency plan by
12 Consolidated Edison to report on the
13 portfolio of alternatives that could be
14 deployed if the peaking units are no
15 longer available.

16 The draft order also identifies a
17 future process for the development of a
18 market design and integration report that
19 will describe the utilities' plan for
20 designing, implementing, and managing
21 distributed system platform market
22 functions that will enable DER
23 participation in both distribution and
24 wholesale markets.

25 The draft order also adopts

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2 wholesale market design recommendations
3 related to exempting energy storage from
4 buyer-side mitigation rules, accelerating
5 rules for aggregation of storage
6 resources, and allowing for dual
7 participation by adopting principles
8 intended to identify the different modes
9 and ways in which DERs can provide value
10 to the electric system as a whole.

11 Finally, the draft order requires
12 staff to conduct an annual review of the
13 statewide energy deployment progress and
14 report back to the Commission with an
15 informational briefing based on the annual
16 report.

17 This concludes my presentation, and
18 I am happy to address any questions that
19 you may have.

20 CHAIR RHODES: Thank you,
21 Bridget. Thank you, Marco.

22 Storage is a critical resource.
23 Observers and students of our electrical
24 system have long known this. And have
25 been long been looking forward to this

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2 resource to be ready for prime time and the
3 time is now. It's a resource that is ideally
4 aligned with our REV and state policy goal
5 objectives, delivers reliability, it
6 enables clean, it allows load shaping and
7 it drives down system costs. So the topic
8 is right and timely.

9 And here as well as in the case
10 with energy efficiency, I find that the
11 approach is right. Bridge incentives make
12 sense when they can get the market going
13 but are designed to taper off as costs
14 decline and in order to drive that cost
15 decline.

16 The approach is carefully thought
17 out to be well suited for the best use
18 cases. The approach is aligned with known
19 and likely developments that are happening
20 around -- around us. I'm thinking here of
21 developments at the NYISO. I'm thinking
22 here of the peaker rules, that you
23 mentioned Marco, coming out of Department
24 of Environmental Conservation.

25 This is important work. This is a

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well thought out approach. I will support it.

Commissioner Sayre.

COMMISSIONER SAYRE: Energy storage is probably -- actually certainly in my mind going to revolutionize the production and distribution of electricity in the United States and ultimately the world.

It can smooth out the variability of solar and wind and other intermittent and renewable generation facilities. It can shave the peak by allowing the disuse and maybe even retirement of expensive and dirty peaking facilities by generating and storing energy more cheaply and more cleanly in the off-peak hours. And in the long run I see storage even helping networks ride through reasonably brief outages if major distribution or transmission or even generating facilities are knocked offline for awhile. If you've got the storage there available you can reduce those outages to the customers.

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2 But there's a chicken and an egg
3 problem. It's not immediately
4 commercially feasible to expect the
5 utilities or the private market to just
6 start building and installing it because
7 it's still just a little bit too expensive
8 to make sense. So we have to smart about
9 what public resources -- and in our case
10 ratepayer resources -- we throw into
11 market acceleration to drive the adoption,
12 reduce the costs, and improve the
13 technologies in question.

14 I'm particularly delighted in this
15 item that we've found a way to support the
16 market acceleration bridge initiative
17 without any new ratepayer funding. We've
18 found some uncommitted RPS funds that we
19 can devote to the purpose and that means
20 that we can do this at very low impact on
21 the rate payers.

22 Of course the addition of storage
23 is going to add to rate base and it will
24 have an impact on ratepayers in that
25 direction. But the addition of storage

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over the next seven years we estimate to be only a cost of about \$100 million to ratepayers and that's going to be offset during the same period of time by system revenues and benefits that are quite likely to exceed the amount that we've asking the ratepayers to fund.

So this is a very smart item. It's a timely item. And it complies with the law. I certainly support it.

CHAIR RHODES: Commissioner Burman.

COMMISSIONER BURMAN: Thank you very much.

I do have a question on the study. In the draft order it says the Commission will institute a proceeding where the peaking unit contingency plan will be filed to exam the broad reliability impact of the proposed DEC regulations in the near future. I'm just making sure that I understand what that means. We will be opening a proceeding. Exactly what will we be looking at?

MS. WOEBBE: Sure. So the draft

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2 order contemplates two things regarding
3 clean peak and potential peaking unit
4 generation retirement in the near future.
5 So the specific directive out of this
6 order is that staff, the NYISO, NYSERDA,
7 DEC, LIPA, and Con Edison develop a study
8 to include determining how many megawatts
9 of peaking units could be replaced or repowered
10 economically with energy storage.

11 That should be submitted to the
12 Commission by July 1, 2019. In addition to
13 that there's the need for a broader
14 peaking unit contingency plan in the event
15 that DEC's pre-proposal public amendments
16 actually become regulation and must be
17 complied with.

18 So staff envision similar with the
19 Indian Point reliability contingency plans
20 there would be a generic proceeding to
21 look at the overall impact of these
22 generating units retiring that would not
23 be technology specific. That would not
24 say, look at energy storage to fulfill
25 those reliability needs but would be much

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2 more general.

3 COMMISSIONER BURMAN: Thank you.

4 I do want to make sure I
5 understand. So the study would but filed
6 after it's worked with the staff from the
7 ISO, NYSERDA, affected utilities, DPS,
8 and DEC? That's five, right? Did I get
9 it right?

10 MS. WOEBBE: Yes.

11 COMMISSIONER BURMAN: That study being
12 filed, does it then get SAPAed and out for
13 comments or is it just filed?

14 MS. WOEBBE: It will likely be
15 subject to public notice and comments so
16 that the Commission could act upon its
17 recommendation if the Commission desires
18 to.

19 COMMISSIONER BURMAN: I just want to make
20 sure that that study, in my mind, is not
21 here's -- to me it's more like a staff
22 white paper. And I just don't want that
23 somehow this study is then utilized
24 afterwards without having the benefit of
25 the Commission as a whole weighing into

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2 it.

3 For example, if the study was to
4 be taken and then put into a future state
5 energy plan but had not gone first through
6 the Commission as a whole, I would be
7 concerned about that. Because I would
8 want the benefit of those to weigh in on
9 it. Because it's -- we're asking you to
10 do this and give us feedback on what that
11 is, I just am very mindful that, you know,
12 the control of that study and any
13 recommendations it may make needs to be
14 very carefully analyzed in a way that the
15 Commission itself has an opportunity to
16 adopt or modify. So I guess in terms of
17 what that may look like is very important
18 to me.

19 MS. WOEBBE: Sure. Understood.
20 And the intent is certainly to bring the
21 study recommendations before the
22 Commission for Commission action.

23 COMMISSIONER BURMAN: Okay. And also
24 again, I think the other entities involved
25 should be mindful of that as well,

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2 especially as it relates to
3 recommendations. Even if they're
4 recommendations that are outside the
5 jurisdiction of the Commission, it is
6 important for the Commission to have a
7 voice on some of that because we have to
8 work through the collaboration and make
9 sure it's seamless.

10 The second piece of that is the
11 Commission institution a proceeding. As
12 the draft order is written it says the
13 Commission -- and I'm not fighting over
14 the wording, I'm just making sure I
15 understand it. The Commission proceeding
16 where the peaking unit contingency plan
17 will be filed to examine the broad
18 reliability impacts of the proposed DEC
19 regulations in the near future. But I
20 think, Bridget, what I heard you say was
21 that it may be necessary to bring that
22 proceeding after the DEC regulations are
23 finalized versus looking at from a
24 proposed -- that they are proposed and
25 we're now giving thought to those proposed

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2 regulations.

3 MR. PADULA: It's the later.

4 We're going to -- we know that they're
5 proposed and we want the utility to think
6 about it now what the contingency plan
7 would be if the impact of those rules
8 would result in the retirement of the
9 peaking units.

10 COMMISSIONER BURMAN: While I appreciate
11 that, the concern I have is that I do
12 believe and this isn't the first time that
13 DEC has issued proposed regulations that
14 may effect our jurisdiction and ultimately
15 effect our customers, the customers. So
16 for me, especially as we look to the
17 interconnection between environmental and
18 economic regulation, I do think it's
19 important that we not, sort of take for
20 granted that proposed regulations before
21 they're adopted really should have some
22 weight from the economic regulator on what
23 those impacts are. Rather than reacting
24 to them after that fact.

25 It's not a knock on DEC at all.

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2 It's just a recognition that, you know,
3 it's more beneficial to do it at the front
4 end versus the back end. And while I
5 understand that staff does -- the staffs
6 of both agencies do work with each other,
7 it is important that our processes are
8 looked at carefully and the evaluation
9 that can come from an economic regulator
10 as a body may be very important. And also
11 helps us more holistically look at all of
12 these issues.

13 There's no doubt we have -- all of
14 us have the best intentions but the
15 implementation challenges in some
16 regulations that while they might be very
17 helpful are not necessarily practical or
18 you need to then look at what that means
19 to actually implement those. So very
20 mindful of that.

21 So I would caution and I would
22 hope that sort of getting -- going back to
23 those process implementations and not
24 doing, you know, the same way we've always
25 done. I do think we need to look at that.

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2 And they effect our utilities the
3 Commission itself should be the lead, not
4 DEC. And as it effects the economic
5 impacts, they need to be -- it needs to be
6 the Commission itself, very much so.

7 The other comment I will have is
8 that I do know that LIPA and NYPA are both
9 involved in energy storage and I think
10 that's a very good thing. But there is,
11 as I said, there is a little disconnect
12 from my seat in terms of how that works as
13 a whole.

14 And so to the extent that NYPA and
15 LIPA both are involved in many aspects of
16 programs or complimentary programs that we
17 are focused on, I do think that we need to
18 get a little under the hood in some of
19 that. I know yesterday there was a very
20 exciting announcement on energy storage
21 with NYPA. But to the extent that that
22 can be more cohesive and working together
23 as a whole, we should look at that.

24 Because there are, you know, there are
25 funding opportunities but also we need to

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2 be mindful, of sort, the whole.

3 That works also for other entities
4 that NYSERDA works with that may not come
5 to the Commission while they're working
6 through that. So what I don't really --
7 want to figure out a way of not chilling
8 those opportunities but rather to make
9 sure that we are cohesively looking at
10 them and coordinating.

11 Again, to extent that we are the
12 ones really as the lead in terms of
13 setting the targets and the goals I think
14 we should be really mindful of those who
15 are also looking to be partners with us
16 and to the extent that they are, I don't
17 think that they should fear coming under
18 the hood as the Commission as a whole.
19 Actually, I think it would be helpful
20 especially from an accountability and a
21 measurement of our successes. I would
22 actually welcome them to be a little bit
23 more focused on coming under the hood in
24 a way that is helpful, even if it's not
25 necessarily required. I think that can

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2 only help.

3 To the extent that we are also
4 looking at some of potential achievements
5 and opportunities that LIPA may be looking
6 at, there are cost implications for that.
7 LIPA's board has said that they generally
8 will be doing most of what the Commission
9 itself as a whole adopts as it relates to
10 REV this fall under that. And to the extent
11 that we should be looking ahead of time at
12 some of those implications and understanding
13 that, I think it's helpful. But also to
14 the extent that it increases the potential
15 cost, you know, rather than looking at
16 them in silos, it may actually tip to
17 actually need a Commission jurisdiction
18 rate proceeding. So we should look at
19 that and be mindful of that, even if it's
20 future opportunities. To the extent that
21 they're long term forecast, it's better to
22 have it ahead of time rather than, oh, we
23 got it after the rate proceeding so now we
24 don't need to come in. And I don't really
25 want that. So let's just think about

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2 that, if it makes sense.

3 REV was envisioned and is an
4 opportunity to build a stronger, safer,
5 more reliable and a clean grid. And how
6 we do our decisions really need to provide
7 overall more reliability, predictability,
8 certainty, clarity, consistency, and the
9 path forward so regulatory frameworks that
10 we set up should be helping not hindering.
11 We are focused on the market and looking
12 at transformation of that sector. I am
13 mindful of the focus that sometimes while
14 we identify that markets are important, we
15 need to be mindful that our policies that
16 are made to improve the market, at times
17 can make things worse. So we need to be
18 cognizant of that. And we need to look at
19 true market-based approaches and make sure
20 that we really are helping to harmonize
21 the market in a way that makes sense.

22 While I am glad to see that we
23 will be working with the ISO, I do also
24 believe that there are others that we
25 should be looking at like the State

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2 Reliability Council and having more
3 specific engagement with them on some
4 of these policies as well.

5 This order does fulfil a
6 legislative mandate that the Commission
7 adopt a robust energy storage policy. It
8 is much more than that. Energy storage
9 technology is advancing rapidly and it's
10 coming at an important time. It has the
11 potential to more cost effectively meet
12 peak demand on the system. And as we're
13 becoming more and more reliant on variable
14 renewable resources, storage has the
15 potential to help ensure grid reliability
16 as we transition to a more renewable-based
17 electric grid.

18 But there is not necessarily
19 meaning that it is do away with things
20 that are not renewable. There has been a
21 lot of discussion on the pairing of
22 storage gas and storage. And so we need
23 to, while we are fuel agnostic and
24 technology agnostic, we need to also be
25 mindful that we at times are -- we say

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2 that but we're actually not when we focus
3 on one particular -- solar and storage.
4 We need to look at all the subsets and
5 allow opportunities for different pairings
6 that may be there.

7 There was a -- there was a report
8 back in 2015 by the Joint Institute for
9 Strategic Energy Analysis and it was
10 called Pathways to Decarbonization Natural
11 Gas and Renewable Energy Lessons Learned
12 from Energy System Stakeholders. And this
13 was a -- Joint Institute for Strategic
14 Energy Analysis was worked on a very
15 collaborative process with the US
16 Department of Energy's National Renewable
17 Energy Lab, the University of Colorado,
18 Colorado School of Mines, Colorado State
19 University, MIT, and Stanford University.
20 And to me it really showcased that looking
21 at a decarbonization and the pathway
22 forward may involve many different
23 interconnecting pieces.

24 And we in New York have been very
25 blessed with a very fuel diverse

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1 portfolio in state. And so I think we are
2 on a good pathway. We can look at that.
3 But I want to make sure that we are making
4 sure that are our policies are helping not
5 hindering.
6

7 The programs focus on locating the
8 resource where it makes the most sense and
9 deploying in a matter that seeks cost
10 reduction over time are both important
11 components in the order. I do have mixed
12 feelings on the seed money being approved
13 today. I'm concerned that these funds
14 were unspent by NYSERDA and aren't going
15 back to the ratepayers. We do
16 consistently have -- taken many times
17 unspent funds and uncommitted funds and
18 reprioritized them. But to me, we should
19 be looking at that whole amount and that
20 gets back to the accountability from
21 NYSERDA, as well as ourselves and what
22 we're doing. Because we are in many
23 orders continuing to talk about future
24 funding that is being put on and that's
25 cost ultimately to the ratepayers.

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I would also like to make mention that I am concerned in this order about -- to the extent that we are talking about the wholesale energy market. I do think we need to be mindful of that. Work order 841, as well as other, the New York ISO has it's energy storage docket. And while we do seem to, in this order, direct NYSERDA in a very specific way, I am concerned about that from a chilling perspective. And also making sure that we are not inappropriate treading into the wholesale market in a way that actually will hinder our progress on energy storage.

So for me while I understand the desire to weigh in on that, there is an interconnection issue and we do need to understand that we need to work with all of the different parties and also look to make sure that we are setting appropriate boundaries. That don't tread inappropriately in areas that we may not be able to facilitate a positive

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2 resolution. So I do want to just caution
3 that as to that I am truly concerned and
4 just want us to be open to looking and
5 facilitating and working together on that
6 issue.

7 There is a legislative mandate
8 that is promise of energy storage
9 technology and there is strong
10 justification for us to go forward. We do
11 need to do so while minimizing costs to
12 ratepayers. And we do need to be mindful
13 that we do need to be focused on helping
14 not hindering.

15 So with that I am going to support
16 in part and dissent in part for some of my
17 rational why I am concerned. But overall
18 I thank everyone for their hard work on
19 this and I look forward to the next steps.

20 CHAIR RHODES: Thank you very
21 much.

22 Commissioner Alesi.

23 COMMISSIONER ALESI: Thank you,
24 Mr. Chairman.

25 I'll be supporting this. I think

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2 that this storage plan is a smart focus on
3 the market acceleration of the most
4 reliable renewable and most efficient
5 green energy goals. And I believe it's
6 beneficial not only to the consumers,
7 ratepayers as well, but at the end of the
8 day the thing that we should be most
9 focused on in all of our efforts is what's
10 good for the environment. So I'll be
11 voting yes.

12 CHAIR RHODES: Thank you very
13 much.

14 With that I will now proceed to
15 call for a vote. On the recommendation to
16 establish the statewide energy storage
17 goal of up to 3,000 megawatts by 2030 and
18 1,500 megawatts by 2025 and a deployment
19 policy to meet that 2030 goal and
20 authorizing funding necessary to achieve
21 that as described.

22 Commissioner Sayre, how do you
23 vote?

24 COMMISSIONER SAYRE: Yes.

25 CHAIR RHODES: Commissioner

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2 Burman, how do you vote?

3 COMMISSIONER BURMAN: Concur in part and
4 dissent in part.

5 CHAIR RHODES: Commissioner
6 Alesi?

7 COMMISSIONER ALESI: Yes.

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

11 We will now move to the third item
12 for discussion. Item 302, Case 15-E-0751,
13 as it relates to the proposed model tariff
14 for energy storage systems paired with
15 electric generating equipment. Presented
16 by Ted Kelly, Assistant Counsel. Warren
17 Myers, Director of Market and Regulatory
18 Economics, and Marco Padula, Acting
19 Director of Markets and Innovation, are
20 available for questions.

21 Ted, please begin.

22 MR. KELLY: Thank you.

23 Good morning, Chair Rhodes and
24 Commissioners.

25 This item is a draft order

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2 regarding utility tariffs for distributed
3 energy resources that pair a value
4 stack-eligible distributed generator, such
5 as a solar generation system, with an
6 energy storage system. The order
7 describes such projects as hybrid
8 facilities.

9 The March 2017 order that created
10 the value stack stated that projects that
11 paired eligible generation resources with
12 storage resources would be eligible for
13 value stack compensation. However, it
14 recognized that several implementation
15 issues related to such projects required
16 further process. In particular, such
17 projects needed to be integrated into the
18 standardized interconnection requirements
19 -- further interconnection to the grid --
20 and a specific compensation tariff for
21 such projects was needed.

22 Compensation tariffs needed to be
23 specially tailored because several aspects
24 of the value stack are exclusive to
25 renewable energy. In particular the

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2 environmental value element, the market
3 transition credit, and certain capacity
4 value options. Because the storage
5 component of a hybrid facility can be
6 charged either with renewable energy from
7 the storage system or from the utility
8 grid and then the storage system can then
9 discharge that energy into the utility
10 grid for value stack compensation, not all
11 injections from hybrid facilities are
12 necessarily renewable energy. And
13 therefore, not all injections should
14 automatically receive environmental
15 compensation and those other exclusive
16 elements.

17 However, hybrid facilities should
18 not be forbidden from charging using the
19 grid or from injecting such energy back
20 into the grid because this may be done in
21 a way that benefits the storage -- the
22 hybrid facility owner and the utility
23 system, such as if the hybrid facility
24 charges up at a time of low usages, like
25 at night, and then discharges during a

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2 peak time. A case where the differential
3 in actual value is big enough to make that
4 beneficial.

5 Therefore, a tariff was needed
6 that allows -- distinguishing between
7 renewable and non-renewable energy
8 injected into the system as precisely as
9 reasonably possible.

10 In April 2018, the Commission
11 issued an order which modified the
12 standardized interconnection requirements
13 to facilitate the interconnection of
14 hybrid facilities. That order also
15 directed the utilities -- the electric
16 utilities to jointly file a proposed
17 hybrid tariff for compensation of hybrid
18 facilities for Commission review. That
19 tariff was filed in June 2018.

20 Subsequently, a number of stakeholders
21 filed comments on that tariff pursuant to
22 a notice.

23 The proposed tariff contains four
24 options based on four different usage
25 models. The comments primarily from solar

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2 and storage developers, industry groups,
3 and environmental non-profits were
4 generally supportive of the proposed
5 tariff and the overall framework however,
6 they did express several concerns about
7 one option, Option C. That it was not
8 sufficiently granular and would treat some
9 renewable energy as non-renewable.

10 The Commission approves the hybrid
11 tariff with modifications. I will
12 describe it as approved and briefly
13 describe how it was changed from the
14 proposal.

15 Opinion A is designed for projects
16 where the owner of the hybrid facility
17 intends to charge it exclusively from the
18 renewable generator and not from the
19 utility system. A project may follow this
20 usage model where the storage resource
21 received a federal investment tax credit
22 based on the qualification rules for the
23 tax credit.

24 In this case, the utility will
25 work with the developer during the

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interconnecting process to ensure that the hybrid facility contains appropriate metering and/or controls so that the utility can verify that that all charging is from the renewable system and not the grid. And in that case all injections will be treated as renewable.

Option B is designed for projects where the owner intends to use the storage resource only to serve on-site load and not to inject energy into the grid. For example, it may be used by a hospital or another type of business that has a high reliability need, where they really just want to focus the storage resource on meeting that reliability need.

As with Option A, the utility will work with the developer to ensure that the appropriate controls and/or metering are in place and then the utility will be able to verify that all injections are renewable and should be compensated as such.

Options C and D are designed for

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2 projects with more complex usage models
3 where the storage resource may be charged
4 from both the renewable generator and the
5 utility system and where both the
6 renewable generator and the storage
7 resources may be used to inject energy
8 into the utility system for compensation.

9 Those two options are different
10 from each other in that Option C applies
11 to hybrid facilities that are collocated
12 with an energy consumer, whereas Option D
13 applies to hybrid facilities that are
14 separately sited -- where it is just the
15 generator and that storage resource and no
16 other separate energy consumer on site.

17 Under both options, the utility
18 measures how much energy is consumed by
19 the hybrid facility. That energy is
20 assumed to be used for charging the
21 storage resource. The utility also
22 measures, as it does for all value stack
23 projects, injections into the utility
24 grid. For the generally applicable
25 elements of the value stack, including the

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energy payment value and the distribution system values, the utility will provide compensation for all net hourly injections as with other value stack systems.

However, for the renewable-exclusive elements, such as the environmental compensation and market transition credit as discussed earlier, the utility will only provide compensation for the net monthly total that results when energy consumed by the storage resource is subtracted from the energy injected into the utility system. This net total represents the on-site generation of renewable energy from the renewable facility.

For Option C calculating this will likely require multiple meters to separate on-site building consumption from hybrid facility consumption. For Option D one meter may be sufficient as all consumption can be assumed to be storage consumption.

This tariff as described does reflect the modification of Option C from

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2 the utility proposal. The utility
3 proposal had treated all energy injected
4 by the storage resource in Option C as
5 non-renewable. This modification also
6 allows Option C to be used by all hybrid
7 facilities regardless of whether they're
8 AC-coupled or DC-coupled. The utility
9 model had restricted Option C to
10 AC-coupled facilities.

11 The tariff is also modified from
12 the utility proposal, which made the
13 selection of an option permanent and
14 irrevocable, to allow a one-time option
15 for a project owner to switch from Option
16 A or Option B to Option C.

17 This switch may be desirable for
18 increased operational flexibility. And in
19 particular may be desirable when the
20 investment tax credit period ends and
21 projects that just initially stuck to sole
22 charging from the renewable resource in
23 Option A now want the flexibility of
24 charging either way and therefore require
25 additional metering and the more granular

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2 examination.

3 In all four cases the hybrid
4 facility developer or owner will be
5 responsible for paying the necessary
6 metering and controls costs consistent
7 with the standardized interconnection
8 requirements.

9 Overall, the hybrid tariff will
10 encourage and appropriately compensate the
11 development of hybrid facilities while
12 maximizing the benefit they provide to the
13 utility system and protecting
14 non-participating ratepayers from any
15 inappropriate impacts.

16 And I'm available for questions.
17 Thank you.

18 CHAIR RHODES: Thank you, Ted.

19 I find this is a needed and
20 appropriate adjustment of what's been in
21 place and a careful, pragmatic, and smart
22 resolution of implementation needs. I'm
23 going to support this item. I'll turn to
24 my fellow Commissioners.

25 Commissioner Sayre, any questions

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2 or comments?

3 COMMISSIONER SAYRE: This is a
4 necessarily complex situation because of
5 all of the possible combinations, even
6 though the initial question is pretty
7 simple but you pay for energy injected
8 into the grid by a hybrid system. I think
9 this item -- and staff have done an
10 excellent job on this -- but because of
11 that complexity, I'd like to ask staff to
12 work with the utilities and keep an eye
13 out on things in the field as to how it
14 works in case somebody figures out how to
15 unfairly game the system.

16 MR. KELLY: Absolutely.

17 CHAIR RHODES: Thank you.

18 Commissioner Burman.

19 COMMISSIONER BURMAN: Thank you, Ted. You
20 did a nice job. I'm going to concur.

21 CHAIR RHODES: Commissioner
22 Alesi.

23 COMMISSIONER ALESI: I can be very
24 succinct. This is a very complex issue
25 but it's testament to the hard work and

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2 wisdom that the department and the staff
3 puts into this kind of issue. Thank you.

4 CHAIR RHODES: So with that I
5 will proceed to call for a vote.

6 My vote is in favor of the
7 recommendation to adopt hybrid tariff with
8 modifications as discussed.

9 Commissioner Sayre, how do you
10 vote?

11 COMMISSIONER SAYRE: Yes.

12 CHAIR RHODES: Commissioner
13 Burman?

14 COMMISSIONER BURMAN: I concur.

15 CHAIR RHODES: Commissioner
16 Alesi?

17 COMMISSIONER ALESI: Yes.

18 CHAIR RHODES: The item is
19 approved and the recommendation is
20 adopted.

21 We will now move to the fourth and
22 final item for discussion. Item 101, Case
23 18-G-0565, as it relates to the tariff
24 filing by Consolidated Edison to modify
25 its Interruptible Gas Service program.

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2 Presented by Mike Rieder, Chief Gas and
3 Water Rates and Supply. Cindy McCarran,
4 Deputy Director for Gas and Water, is
5 available for questions.

6 Mike, please begin.

7 MR. RIEDER: Good afternoon,
8 Chair. Good afternoon, Commissioners.

9 Item 101 addresses Consolidated
10 Edison Company of New York's proposed
11 tariff revisions to its Interruptible Gas
12 Service program. Specifically, the
13 company proposes modifications to Service
14 Class 9 - transportation service -- and
15 Service Classification 12 - dual fuel
16 sales service -- to amend the two
17 violation rule or strike rule for
18 customers who do not comply with the
19 affidavit requirement for Interruptible
20 Gas Service.

21 By order issued December 16, 2016
22 in case 15-G-0185, the Commission directed
23 local distribution companies to modify
24 their tariffs for customers taking
25 Interruptible Gas Service. The directed

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2 modifications included requiring
3 Interruptible Gas Service customers to
4 file an affidavit with the company every
5 year attesting to the customers'
6 compliance with the company's tariff,
7 verify the customer has an alternate fuel
8 supplier, and include certain customer
9 information in the annual affidavit.

10 Con Edison filed tariff amendments
11 effective January 1, 2017 in compliance
12 with the 2016 order that also includes a
13 provision that penalizes customers who do
14 not comply with the affidavit requirement
15 by making them ineligible for
16 Interruptible Gas Service.

17 Additionally, Con Edison's tariff
18 provisions require that Interruptible Gas
19 Service customers be automatically moved
20 to firm service when they receive a second
21 violation if the gas distribution system
22 is adequate to meet the customer's peak
23 demand requirement. Based on the
24 company's experience with implementing the
25 affidavit requirement for the winter

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period of 2017/2018 and its overall efforts to reduce peak demand load.

The company is now proposing tariff modifications that include: One, eliminating the provision that a customer is not eligible for Interruptible Gas Service if the customer does not return the signed affidavit to the company by October 1st of each year; two, re-defining the two violation rule to assess the first violation to a customer who fails to submit a signed affidavit by October 15th of each year; three, modifying the consequences of violating the two violation rule during the current winter period, whereby an Interruptible Gas Service customer incurring two violations is not automatically moved to firm service, but instead remains on Interruptible Gas Service and is assessed a monetary penalty charge; four, adding termination provisions for customers who incur two violations and have not applied for firm service by

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2 April 15, or who have applied but cannot
3 meet the requirements for firm service or
4 the company cannot accommodate on firm
5 service; and finally five, adding a
6 provision that terminated customers may
7 re-apply for Interruptible Gas Service
8 after one year.

9 On November 27, 2018 Department of
10 Public Service staff convened a technical
11 conference with Con Edison and other
12 stakeholders to discuss the company's
13 proposed tariff amendments and gather
14 input on the best approach to resolve
15 issues presented by Con Edison and its
16 Interruptible Gas Service program. The
17 topics of discussion at the technical
18 conference included the proposed violation
19 for the failure to return an affidavit in
20 time; communication between gas
21 distribution companies and Interruptible
22 Gas Service customers; best approaches to
23 verify whether customers have adequate
24 physical alternate fuel storage and
25 replenishment contracts; alternative

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2 enforcement actions against customers
3 violating tariff requirements, such as
4 installing tank monitoring devices and
5 remote shut-off valves; challenges
6 associated with switching Interruptible
7 Gas Service customers to firm service
8 because of limited capacity; and
9 uniformity among downstate natural gas
10 utility tariffs. In addition,
11 Interruptible Gas Service customers in the
12 operation of the -- okay, excuse me.

13 In addition, stakeholders
14 identified the importance of Interruptible
15 Gas Service customers in the operation of
16 the gas distribution system, but also
17 voiced a concern that many critical care
18 customers take service under the
19 Interruptible Gas Service program.

20 On December 3rd, comments
21 responding to Con Edison's proposed tariff
22 amendments and to the discussions that
23 took place at the technical conference
24 modifying -- excuse me strengthen --
25 sorry. Discussions that took place at the

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technical conference were -- I'm going to start the --

On December 3rd, comments responding to -- On December 3rd, comments responding to Con Edison's proposed tariff amendments and to the discussions that took place at the technical conference were received by National Grid, the City of New York, Consumer Power Advocates, and Marathon Energy Corporation.

In its comments, National Grid indicates that while it does not take a specific position on the changes proposed by Con Edison, it cautions against applying these proposals to National Grid because of the significant differences in the companies' programs, along with the differences in the number of customers in these programs.

The city argues that Con Edison's proposed tariff amendments are a significant and problematic departure from the current program, have not been reasonably justified, and have the

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potential to undermine Interruptible Gas Service and are unnecessarily severe.

CPA asserts that because customers could potentially lose access to natural gas service under Con Edison's proposed changes, implementation of the changes would decrease resiliency, threaten reliability, and drive Interruptible Gas Service customers to firm service.

Marathon offers several recommendations that it believes could strengthen the Interruptible Gas Service program, such as requiring a supply threshold of 65 percent capacity of a customer's alternate fuel source tank throughout the interruptible period, citing problems arrive -- arise when such customers wait until its tank is at 10 percent capacity to request a refill.

On December 7th, Con Edison filed reply comments claiming that the scenario contemplated by the city and CPA, in which customers could potentially lose access to natural gas service altogether is unlikely

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and that its proposed changes will give customers a reasonable opportunity to comply with the Interruptible Gas Service requirements.

Yesterday we received additional comments from the city that respond to the various discussions that took place during the technical conference. These additional comments do not necessitate modifying the draft order before you but are a useful addition to the record in this proceeding and should be considered in future tariff filings.

As stated in the Commission's 2016 order, maintaining gas system reliability for core customers is of utmost importance. Customers who choose to receive Interruptible Gas Service agree to comply with the tariff provisions in exchange for a reduced transportation rate. Interruptible Gas Service customers play a critical role in the physical operation of the natural gas distribution system by curtailing their gas service

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2 when called upon, which improves system
3 pressures during periods of high demand.

4 However, Interruptible Gas Service
5 customers can also jeopardize the
6 integrity of the system if they do not
7 curtail their natural gas usage when
8 requested by the company. In addition, by
9 using the natural gas system during
10 periods when system conditions allow,
11 Interruptible Gas Service customers
12 further the goal of reducing the use of
13 dirtier fossil fuels. If Interruptible
14 Gas Service customers were unable to use
15 natural gas under the company's
16 Interruptible Gas Service program, the
17 operation of the gas distribution system
18 would be impacted negatively and customers
19 would rely on their predominate primary
20 fuel source, fuel oil.

21 In the draft order before you it
22 is recommended that Con Edison's proposal
23 to eliminate the provision of
24 automatically moving an Interruptible Gas
25 Service customer that incurs two

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2 violations to firm service be approved.

3 As explained in its smart solutions

4 filing, Con Edison has capacity

5 constraints in both upstream gas supply

6 and on its gas distribution system. The

7 supply constraints have resulted in the

8 company's reliance on delivered services

9 or peaking contracts for approximately 19

10 percent of its peak day gas supply and

11 customer loads are reaching the maximum

12 throughput capability in parts of its gas

13 distribution system. Eliminating the

14 provision that automatically moves an

15 Interruptible Gas Service customer to firm

16 service should mitigate further strain on

17 gas supply and support the integrity of

18 the gas distribution system.

19 The remaining proposed changes to

20 Con Edison's Interruptible Gas Service

21 program do not adequately address or

22 resolve the issues associated with

23 customer compliance with the company's

24 tariff or consider other potential

25 solutions. Moreover, because of the

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2 important demand response function
3 Interruptible Gas Service customers have
4 on maintaining the reliability of the gas
5 distribution system, the mitigative impact
6 on the environment from these customers
7 not burning dirtier fossil fuels full time,
8 and the subset of critical care customers
9 relying on natural gas service, Con
10 Edison's proposed changes -- changes,
11 which could potentially result in the
12 complete loss of gas service to certain
13 Interruptible Gas Service customers, are
14 unacceptable.

15 In addition, Con Edison's proposed
16 amendments create an adversarial
17 relationship between the company and
18 Interruptible Gas Service customers, do
19 not consider the nature of a failure to
20 comply with the tariff requirements in
21 certain situations, create a violation for
22 a non-performance related event, and do
23 not address the impact on critical care
24 customers. Based on the concerns
25 discussed during the technical conference

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2 and raised during the comment process --
3 including those filed yesterday by the
4 city -- and based on the reasons I just
5 described, the draft order before you
6 recommends that Con Edison's proposed
7 changes to its Interruptible Gas Service
8 program, with the exception of the
9 proposed elimination of the provision to
10 automatically move an Interruptible Gas
11 Service customer that incurs two
12 violations to firm service, be rejected.

13 Staff proposed several solutions
14 for discussion at the technical conference
15 to improve the tariff language and improve
16 interruptible customer compliance. Con
17 Edison's proposed amendments do not
18 adequately address staff's proposed
19 solutions or the concerns raised during
20 the comment process. Therefore, the draft
21 order directs Con Edison to file tariff
22 amendments that propose solutions
23 addressing the submitted written comments,
24 the concerns discussed at the technical
25 conference, the treatment of critical

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2 customers, and staff's proposed solutions.

3 In addition, Con Edison would be
4 directed, upon your approval, to include
5 in its next filing modifications to its
6 tariff leaves addressing the potential
7 negative impact of an Interruptible Gas
8 Service customer failing to stop using gas
9 when directed.

10 Because National Grid also serves
11 interruptible customers in New York City,
12 we encourage Con Edison to work with
13 National Grid, staff, and interested
14 stakeholders on tariff language that can
15 be uniform across both service
16 territories.

17 Thank you. Cindy and I are now
18 happy to answer any question you may have.

19 CHAIR RHODES: Thank you, Mike.

20 My own view is that this a clear
21 needed and appropriate recommendation on
22 how to go forward regarding some
23 challenging situations that can confront
24 some of our customers. Where we have
25 experienced -- we've seen them experience

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2 these situations.

3 I'm going to vote in favor of this
4 recommended order.

5 Commissioner Sayre.

6 COMMISSIONER SAYRE: I agree with
7 the Chair for the reasons he just stated.
8 This isn't quite ready for prime time,
9 needs to go back for more work.

10 CHAIR RHODES: Commissioner
11 Burman.

12 COMMISSIONER BURMAN: I'm just a
13 little confused so I just want to make
14 sure I understand. By rejecting their
15 modifications except to the extent of
16 saying to discontinue the automatic
17 transfer of an interruptible gas service
18 customer to firm service, where does that
19 stand for the interruptible gas customer
20 who violates the rules?

21 MR. RIEDER: The company's current
22 tariff provision has both noncompliance
23 penalties associated with noncompliance of
24 an interruption event and also
25 unauthorized use penalties so when they do

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2 use gas during an event it's charged at a
3 higher rate than what normally would be
4 supplied.

5 COMMISSIONER BURMAN: Okay. The
6 concern I have is -- first, I want to take
7 a step back. Con Ed is coming to us with
8 these proposals and these modifications --
9 the same way they came to us with the
10 smart solutions proposal -- because they
11 are very concerned. It is not to be
12 difficult to their customers. In fact,
13 it's the opposite. They are really trying
14 to figure out what to do with the
15 constraints that they have and what makes
16 sense without putting at risk the system.
17 They're very cognizant, as well as other
18 utilities on the concerns they have
19 because of the constraints.

20 They need gas. Without it we are
21 working through these challenges in a way
22 that is potentially maybe not -- not this
23 winter but in the long term going to have
24 potentially very negative consequences.
25 So while we are doing the right thing

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2 today in addressing emergency issues and
3 looking at it, it is not now getting us
4 out of the long-term, future consequences
5 that could be very devastating.

6 And I went to the technical
7 conference and I was concerned because it
8 was very clear to me that there were folks
9 there who represent customers -- large and
10 small -- who also have significant
11 concerns. Now there may be some process
12 issues in working with Con Ed but that,
13 you know, I think can be worked through.
14 The reality is that a lot of this is
15 outside Con Ed's ability to change, to
16 make things better without us tackling the
17 elephant in the room.

18 And I won't belabor other comments
19 that I've made on this in other areas but
20 it really is concerning to me. Now, one
21 of the issues for moving someone from
22 Interruptible Gas Service to firm if
23 they've had violations is actually to help
24 them not get a penalty. And the reality
25 is, we can't move them a lot to firm

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2 because we have constraints. So it would
3 be easy to look at it and what that meant
4 if we did not have those constraints.
5 Having those constraints puts us at a
6 great disadvantage but really is
7 potentially imperilling those very
8 customers that need it.

9 We saw just, I believe, in the
10 October session, maybe it was the November
11 session I can't remember, where we had 89
12 customers -- many of them schools -- in
13 the New York City area that we had to
14 grant waivers to on reducing those
15 penalties because they weren't able to
16 move from gas to other fuels, majority
17 oil. So the reality was -- it was very
18 clear from there that they need it. This
19 filing and the comments that came in and
20 the technical conference that I attended
21 also hammered home the issue. Regulations
22 should be done in a way to help not
23 hinder. We are hindering the folks who
24 want energy service. In this case,
25 natural gas. It then hinders over avenues

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2 that may be helpful going back to that
3 decarbonization path forward future report
4 that talked about natural gas and
5 renewables working together.

6 We should be looking at all of the
7 fuel sources and working together to
8 harmonize and make sure that we have
9 reliable and clean energy. And this does
10 not mean that it's a one fuel, you know,
11 situation. Here, I don't know how much
12 more we can allow this to continue because
13 it is a problem.

14 And I want us to not just make now
15 Con Ed have to file again because they
16 didn't get it quite right. They did get
17 it quite right. They said it eloquently
18 in their other filings as well as this.
19 Now maybe this isn't the answer but the
20 answer isn't re-file and take all these
21 things into consideration. This has more
22 statewide impact and we -- I don't think
23 it's fair to say, Con Ed go back and
24 figure it out. I just don't. And I don't
25 think it's fair to say, and work with

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2 National Grid and figure it out.

3 It's not about the paper tariff to
4 make it all work out, it's about real life
5 situation that we need to address. And
6 I'm pretty passionate on this issue
7 because it has real life impacts and I
8 really feel very strongly that we need to
9 figure out it sooner rather than later and
10 not be afraid of addressing the elephant
11 in the room.

12 And we also should be working with
13 others who could help facilitate that if we
14 are blocked in our ability to figure it
15 out and stymieing the progress forward.
16 The ISO, the New York State Reliability
17 Council looking at this and others who may
18 be able to help. You know we see in the
19 news on opportunities for economic
20 development throughout the state, in
21 particular New York City with large
22 companies wanting to come. Well, they're
23 going to need energy and they are going to
24 need it. And we have to do some
25 projections on what that is and what that

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2 means for the ripple effect for others who
3 then would want to come and the employees
4 that would need that and gas is a part of
5 that mix. It's not the only part but it's
6 a part of that mix.

7 So I am going to concur on this
8 for this limited fashion of doing this but
9 I am also dissenting in part because I am
10 really at my wits end in understanding how
11 dire this is and do not think that the
12 approach that we're taking of pushing the
13 can down the road and somehow making it
14 the utility's fault is acceptable.

15 CHAIR RHODES: Thank you.

16 Mr. Alesi, any comments or
17 questions?

18 COMMISSIONER ALESI: Nothing to
19 add. Thank you.

20 CHAIR RHODES: Thank you.

21 With that I will now proceed to
22 call for a vote.

23 My vote is in favor of the
24 recommendation to approve the proposed
25 tariff amendments in part with

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2 modifications as discussed.

3 Commissioner Sayre, how do you
4 vote?

5 COMMISSIONER SAYRE: Aye.

6 CHAIR RHODES: Commissioner
7 Burman, how do you vote?

8 COMMISSIONER BURMAN: I concur in part and
9 dissent in part.

10 CHAIR RHODES: Commissioner
11 Alesi?

12 COMMISSIONER ALESI: Yes.

13 CHAIR RHODES: The item is
14 approved and the recommendation is
15 adopted.

16 We will now proceed to move to the
17 consent agenda.

18 Do any commissioners wish to
19 comment on or recuse from voting on any
20 items on the consent agenda?

21 Commissioner Sayre?

22 COMMISSIONER SAYRE: No.

23 CHAIR RHODES: Commissioner
24 Burman?

25 COMMISSIONER BURMAN: Yes, thank

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2 you.

3 CHAIR RHODES: Thank you.

4 COMMISSIONER BURMAN: On Item 372

5 I will be concurring in part and
6 dissenting in part. My concerns are with
7 accountability, the clean energy standard.
8 There are many reports filed by NYSERDA --
9 that's a good thing -- but we should truly
10 look at re-valuating how we're handling all
11 of this. So as we work towards the phase
12 3 of clean energy standard, we need to do
13 a better job and look at the
14 accountability of all of that, so that's
15 on Item 372.

16 On Item 461 A and B, I concur.

17 Noting for the record, that while I
18 appreciate this aspect of the settlement
19 agreement for American Water to address
20 the allocation of certain tax refunds
21 between American Water and ratepayers.
22 While procedurally in the settlement
23 agreement it was left for the Commission
24 to do in this proceeding, I do not agree
25 that the entire settlement agreement and

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2 the court order was done without the
3 benefit as the Commission as a whole
4 addressing it.

5 On Item 561, Charter, I'll be
6 voting no, which is consistent with my
7 voting record. Thank you.

8 CHAIR RHODES: Thank you very
9 much.

10 I will now proceed to call for a
11 vote on the consent agenda.

12 My vote is in favor of the
13 recommendations on the consent agenda.

14 Commissioner Sayre?

15 COMMISSIONER SAYRE: Yes.

16 CHAIR RHODES: Commissioner
17 Burman?

18 COMMISSIONER BURMAN: I vote yes
19 except for the items I discussed.

20 CHAIR RHODES: So noted. Thank
21 you.

22 Commissioner Alesi?

23 COMMISSIONER ALESI: Yes.

24 CHAIR RHODES: The items are
25 approved and the recommendations are

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2 adopted.

3 Secretary Burgess, is there
4 anything further to come before us today?

5 SECRETARY BURGESS: There's nothing
6 further to come before you but if I can
7 just please ask for a clarification of
8 some votes.

9 Commissioner Burman, are you
10 concurring on 461 A and B? Did I hear
11 that correctly?

12 COMMISSIONER BURMAN: Yes.

13 SECRETARY BURGESS: Okay. Thank you.

14 And Chair Rhodes, can we just -- I
15 just want to make sure I have the correct
16 vote on 301. Could you just restate your
17 vote please because I don't think it
18 picked up by the webcast. Energy storage.

19 CHAIR RHODES: My vote is in
20 favor --

21 SECRETARY BURGESS: Thank you.

22 CHAIR RHODES: -- of the
23 recommendation. Thank you.

24 SECRETARY BURGESS: Thank you.

25 With that there's nothing further

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to come before you today.

CHAIR RHODES: Thank you.

So we are adjourned and happy
holidays, everybody.

(Time Noted: 12:35 p.m.)

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C E R T I F I C A T E

I, KRISTINA TRNKA, a shorthand reporter and
Notary Public within and for the State of New York,
do hereby certify:

I reported the proceedings in the
within-titled matter, and that the within transcript
is a true record of such proceedings.

IN WITNESS WHEREOF, I have hereunto set my
hand this 20th day of December, 2018.

Kristina Trnka

KRISTINA TRNKA

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