

Monthly Meeting - 1-18-2018

STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION

MEETING OF THE PUBLIC SERVICE COMMISSION

Thursday, January 18, 2018  
10:30 a.m.  
Three Empire State Plaza  
Agency Building 3, 19th Floor  
Albany, New York

COMMISSIONERS:

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

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2 CHAIRMAN RHODES: Good morning.

3 I'd like to call this session -- this  
4 first session of 2018, of the Public Service Commission  
5 to order.

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

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

10 There's one change to the final agenda.  
11 It's a new item. Item 461, which is case 16-W-0259,  
12 proceeding on the motion of the Commission as to the  
13 rates, charges, rules and regulations of New York  
14 American Water Company comma Inc., for water service.

15 CHAIRMAN RHODES: Thank you, very much.

16 With that, we'll proceed to the regular  
17 agenda. The first -- the first item for discussion is  
18 item 201, case 14-M-0224, which is the petition by Good  
19 Energy to create a community-choice aggregation  
20 program, presented by Kelly Strait. Utility Analyst,  
21 Bruce Al -- Bruce Alch, Chief Retail Access and  
22 Economic Development and Ted Kelly, Assistant Counsel  
23 are available for questions.

24 Kelly, please begin.

25 MS. STRAIT: Good morning, Chair Rhodes

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2 and Commissioners.

3 Item 201 addresses a petition filed by  
4 Good Energy, to serve as a community-choice aggregation  
5 administrator, for several municipalities in New York  
6 State. The filings by Good Energy include a master  
7 implementation plan, a generic data-protection --  
8 protection plan and certifications of municipal  
9 authorizations, to form a CCA.

10 By way of background, on April 21st,  
11 2016, the Commission established the framework for the  
12 development of CCA programs, which aims to increase  
13 consumer choice and participation, while also  
14 supporting local energy planning and deployment of  
15 distributed energy resources. In the CCA program, one  
16 or more municipalities aggregates the load of its  
17 residents and small businesses on an opt-out basis and  
18 procures energy and potentially DER services, on their  
19 behalf. The CCA framework order authorize interested  
20 municipalities on their own, or through their selected  
21 CCA administrator, to make a series of filings, as has  
22 been done by Good Energy, for Commission consideration  
23 to initiate a CCA program.

24 This -- the frame -- the CCA framework  
25 order required that the implementation plan include a

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2 description of the plan and its goals, a public-  
3 outreach plan, drafts of written communications with  
4 its residents, including an opt-out letter, contact  
5 information for a CCA liaison to respond to questions  
6 or concerns by potential CCA customers and  
7 identification of at least one local official or agency  
8 in each municipality that residents may contact with  
9 questions or comments.

10 The CCA administrator is also required  
11 to file updates and supplements to the implementation  
12 plan as appropriate, including final versions of  
13 customer opt-out letters that provide details on  
14 program contracts.

15 After review, Staff finds that Good  
16 Energy's proposed CCA program complies with the  
17 Commission's framework order and meets the general  
18 requirements laid out in that framework order.  
19 However, some minor revisions to their implementation  
20 plan and data-protect -- protection plan are needed.

21 To be consistent with the Mega order,  
22 Good Energy should remove the customer-account number  
23 from its definition of customer contact information, in  
24 both its implementation plan and data-protection plan  
25 and should ensure that its outreach and education

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2 period will take place over no less than a two-month  
3 period and that the opt-out period will last at least  
4 thirty days and cannot begin until the outreach and  
5 education period ends.

6 Lastly, Good Energy will need to update  
7 their implementation plan to confirm that limited  
8 English-proficiency consumers will continue to receive  
9 translation services throughout the life of the CCA  
10 program. These revisions can be provided in a  
11 compliance filing.

12 That concludes my presentation. I am  
13 available for questions.

14 Thank you.

15 CHAIRMAN RHODES: Thank you, much --  
16 very much, Kelly.

17 I -- I welcome this item. I welcome --  
18 excuse me.

19 I'm back -- I'm on the mic now.

20 I -- I welcome this item. I welcome  
21 that continued deployment of community-choice  
22 aggregation approaches in the state are occurring,  
23 providing communities in New York State greater control  
24 over and savings opportunity in their energy choices.

25 I welcome the fact that this item

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2 adheres to the model established in prior -- in the two  
3 prior CCA orders. And I welcome the -- the renewable  
4 component in this -- in this proposal.

5 I will vote to approve.

6 Commissioner Sayre?

7 COMMISSIONER SAYRE: The CCA process is  
8 really almost becoming routine and I'm very glad to see  
9 that.

10 I'm happy to see that CCAs are starting  
11 to thrive in New York. They provide increased customer  
12 choice and customer savings and frequently include some  
13 combination, as this one does, of clean energy and  
14 distributed energy resources.

15 That's all in the public interest and I  
16 support this item.

17 CHAIRMAN RHODES: Thank you.

18 Commissioner Burman?

19 COMMISSIONER BURMAN: Thank you.

20 I know that we approved the statewide  
21 framework in April of 2016. At that time I dissented  
22 because we were starting the pilot and we had not yet  
23 had any lessons learned from the pilot because we were  
24 starting it, to look to incorporate into the statewide  
25 program.

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2 Since that time, there have been a  
3 number of pivotal points in examining what is happening  
4 with the pilot. We have approved the Mega Program and  
5 we've been incrementally looking at potential changes  
6 to that.

7 I still am very laser focused on fully  
8 examining the pilot, things that can be done positively  
9 to continue to improve, not only that pilot but overall  
10 statewide and incorporate that. I do believe that  
11 there has been a lot of engagement with stakeholders in  
12 doing that and that has been successful in making  
13 improvements on stand-alone applications, not only in  
14 Mega, but in Good Energy.

15 However, I do believe that we do need to  
16 have a more holistic approach and a more -- approach  
17 that comes before the Commission, to do that.

18 Couple of questions that I have, related  
19 to that, Kelly. I do know that you were one of the  
20 stakeholders involved on the recent filing this week  
21 with the CCA sub-working group filing, with the CCAC.  
22 voluntary program. And I'm wondering, with that report  
23 that was filed, how is that incorporated into this  
24 document, if at all, or how will it be incorporated,  
25 some of those recommendations?

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2 MS. STRAIT: So, I don't think the  
3 report's going to be incorporated into this plan right  
4 now. A lot of it is recommendations going forward,  
5 with the implementation of -- or the integration of the  
6 community DG element. Things like consolidated  
7 billing, that need to be done.

8 If those issues can be resolved, then  
9 Good Energy would be able to adopt them, moving  
10 forward.

11 COMMISSIONER BURMAN: Well, one of the  
12 concerns that I have is that there a number of working  
13 groups and sub-groups that have been moving along.  
14 Some of them are moving along very successfully, some  
15 of them not so successfully and some of them are  
16 operating not necessarily in tandem with each other.

17 And throughout the -- my tenure on the  
18 Commission, I have been concerned about working groups,  
19 advisory groups and the councils and when they are  
20 moving along, how that matches up to working together  
21 and also what those advisory roles are, that then are  
22 making recommendations that perhaps need to come back  
23 to the Commission and have weigh-in on that.

24 So, to the extent that this item is  
25 before us and a report gets issued, you know, two days

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2 before, that frankly has a lot of information in it,  
3 that might be helpful to making this better, you know,  
4 is information that, you know, I -- but I also will  
5 recognize that one of the reasons that I have dissented  
6 on many of the community-choice aggregation items is  
7 because of my concern that the devils are in -- the  
8 devil is in the details and, you know, even as this  
9 report that I did not have a lot of time to look at,  
10 but it even showcases some of the issues that I had  
11 from the very beginning.

12 Out of the seven states that have done  
13 community-choice aggregation, New York is the only  
14 state that has done this outside of the legislative  
15 process. Out of all of the stakeholders, in this case,  
16 the small group of stakeholders in this sub-group,  
17 there is a lot of disagreement and so, to the degree  
18 that there is need to be significant discussion and to  
19 the extent that the Commission itself, that is weighing  
20 in heavily on things that will impact customers, we  
21 need to be very, very much engaged on and not, you  
22 know, coming up short on our obligation to the  
23 customers in this case.

24 So for me, I can support this item, but  
25 I need to be very cautious on -- and -- and be very

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2 public on my concern on the need to bring back to the  
3 Commission, things that have policy considerations and  
4 reports that go out, that are directly connected to  
5 items that the Commission will be voting on. And to  
6 the extent that this report from the CCAC., which is  
7 one sub-group of many others, and this -- the CCAC. is  
8 an advisory group, I did raise it when -- in -- in my  
9 disagreement when it was formed under an order, that I  
10 had concern with it. So, I just raise it as an issue,  
11 that it does need to come back to the Commission,  
12 especially because it's out there and that -- to the  
13 extent that many items in that are not necessarily  
14 completely agreed to by the stakeholders, but also  
15 there are many items in that, that deal with funding as  
16 well as also potentially needing some policy actions,  
17 through legislative actions, or frankly, other agencies  
18 may need to weigh-in also. I want to be cognizant of  
19 that.

20 So, that being said, that's why I raised  
21 that issue.

22 I also do note that in that sub-group,  
23 there were -- there were -- there was not a sole  
24 consumer advocate, UIU or other advocate in that group.  
25 So, I do want to raise that as an issue, as well as

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2 there was some talk of commercial customers in there as  
3 well.

4 One of the things in here, talks about  
5 low-income customers and the compliance filing. And to  
6 the extent that I do want to raise that there is still  
7 an ongoing distinction between low-income -- how we're  
8 treating low-income customers for ESCOS, different for  
9 if you're in a CCA versus in a stand-alone ESCO -- I --  
10 I don't know if that's the right phrasing.

11 Could you just distinguish that, Bruce?  
12 I'm not disputing it. I just want to make clear, so --  
13 in case there's any discrepancy later.

14 MR. ALCH: Okay. I -- so, as described  
15 in the -- in the draft order, the -- the obligation to  
16 serve low-income customers still has the same  
17 requirements, that you have to have a guaranteed  
18 savings and the requisite reporting of demonstration of  
19 those savings, at a year-end basis.

20 COMMISSIONER BURMAN: Right.

21 And -- and the issues as to what is a  
22 guaranteed savings, are still -- some of that is still  
23 being --.

24 MR. ALCH: Well, it's -- it's the same  
25 statements. That hasn't changed, but it's at -- no

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2 worse than the default utility.

3 COMMISSIONER BURMAN: Okay.

4 MR. ALCH: So --.

5 COMMISSIONER BURMAN: All right. Thank  
6 you.

7 And then the other issue is on the  
8 buyer's group and that is different from before. This  
9 is a new concept in Good Energy in their implementation  
10 plan and we've refined that?

11 MR. KELLY: I -- I -- I think it's --  
12 it's somewhat similar to the Mega model, but with --

13 COMMISSIONER BURMAN: Yeah.

14 MR. KELLY: -- some -- some minor  
15 distinctions, based just how on -- on Good Energy has  
16 operated in other states and is interested in  
17 operating. Where I think Good Energy explicitly  
18 provides a little more flexibility for municipalities  
19 to decide who they want to partner with, Mega was open  
20 to that as well, but kind of focused on the idea of  
21 buyer's groups based on utility-service territories and  
22 -- and -- and utility zone -- sub-zones, whereas Good  
23 Energy is -- is -- kind of has a more-flexible  
24 interpretation of what a buyer's group is. That's kind  
25 of a -- a voluntary municipal -- municipal choice in

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2 which other municipalities it wants to join with.

3 COMMISSIONER BURMAN: Okay. And I -- I  
4 do thank you. I know that you've been working very  
5 hard.

6 And Kelly, I know that, especially  
7 you've been drilling down a lot on a lot of these  
8 issues.

9 Again, I do want to reiterate, I will be  
10 voting for this item, but I am being very cognizant of  
11 the fact of the need for us to look carefully, now that  
12 the pilots are coming on their renewal time. It is  
13 time for us to be very cognizant of what that is, have  
14 a very good process in looking at that and engaging  
15 very directly on successes and also for some potential  
16 issues that may be there, as well as improvements and  
17 also, looking at what this may mean across the board  
18 and again, some of the policy considerations that need  
19 to come to the Commission as a whole.

20 Thank you.

21 CHAIRMAN RHODES: Thank you, very much.

22 Commissioner Alesi?

23 COMMISSIONER ALESI: Thank you.

24 Good morning.

25 I'm going to be supporting this effort.

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2 I -- I embrace it fully. I think it complies with the  
3 ideas and the efforts to provide energy and service at  
4 lower costs.

5 I'm particularly intrigued by the fact  
6 that it's available to non-residential small  
7 businesses. I think that's very important. We  
8 shouldn't lose sight of that fact in conjunction with  
9 what we're trying to achieve here overall in New York  
10 State, in bolstering our business climate.

11 And the fact that it does provide what  
12 appears to be some kind of protective -- protection to  
13 -- an opportunity to low-income people is also  
14 appealing to me.

15 So, I'll be supporting this, Mr.  
16 Chairman.

17 CHAIRMAN RHODES: Thank you, very much.

18 I will now proceed to call for a vote on  
19 item 201.

20 My vote is in favor of the  
21 recommendation to approve Good Energy, LP's community-  
22 choice aggregation program implementation plan and  
23 data-protection plan as described.

24 Commissioner Sayre, how do you vote?

25 COMMISSIONER SAYRE: Aye.

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2 CHAIRMAN RHODES: Commissioner Burman,  
3 how do you vote?

4 COMMISSIONER BURMAN: Yes.

5 CHAIRMAN RHODES: Commissioner Alesi,  
6 how do you vote?

7 COMMISSIONER ALESI: I vote yes.

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

10 We'll now move to the second item for  
11 discussion. Item 301, case 15-E-0751, which is the  
12 value of distributed-energy resources, Tranche Four  
13 proposal, presented by Ted Kelly, Assistant Counsel.

14 Ted, please begin.

15 MR. KELLY: Thank you.

16 Good morning, Chair and Commissioners.

17 The value of distributed-energy  
18 resources, or VDER, the Value of DER, it's got several  
19 names, order that the Commission issued last March,  
20 directed the transition of compensation for distributed  
21 generation, from net-metering to the new value stack.  
22 methodology.

23 Several transitional mechanisms were in  
24 that order. On-site mass-market customers, such as  
25 roof-top solar, continue to receive net-metering for

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2 all projects built before -- until January 1st, 2020.

3 Mass-market customers and that's  
4 residential customers as well as small businesses,  
5 participating in community-distributed generation  
6 projects, community solar for example, receive a  
7 market-transition credit, or MTC on top of the value  
8 stack. The MTC was design -- was designed based on  
9 net-metering compensation, so that the first group of  
10 projects in Tranche One, would receive an MTC that was  
11 designed to, coupled with the value stack, provide  
12 compensation equal to NEM compensation. The second  
13 group of projects, or Tranche Two, received an MTC  
14 designed to provide compensation equal to ninety-five  
15 percent of NEM compensation. And the third group of  
16 projects, Tranche Three, received an MTC to provide --  
17 designed to provide ninety percent.

18 To manage potential impacts on non-  
19 participating ratepayers, buy-utility capacity limits  
20 were applied to each tranche of the MTC in each  
21 utility, with a notification to the cust -- to the  
22 Commission, by the utility, when 85 percent of the  
23 total-capacity allocations for all tranches had been  
24 reached.

25 No utility has yet reached the

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2 notification level for on-site, roof-top projects.  
3 However, for the CBG projects, the tranches, O&R  
4 reached the eighty-five percent level and submitted its  
5 notification letter in the summer and Central Hudson  
6 did so in November.

7 After submitting their letters, both O&R  
8 and Central Hudson reached and exceeded the Tranche  
9 Three capacity limit. Consistent with the March order,  
10 the utilities continued placing projects in Tranche  
11 Three.

12 After receiving the let -- the  
13 notification letter, Staff put out a White Paper in  
14 August, that contained options and recommendations for  
15 moving beyond Tranche Three. The White Paper  
16 recommended that a fourth tranche be created, with a  
17 reduced market-transition credit and with a capacity  
18 level similar to Tranche Three. The White Paper  
19 discussed options for setting the market-transition  
20 credit level, including a further percentage decline,  
21 administratively set by the Commission, that ultimately  
22 recommended that an auction process be used.

23 A number of comments and reply comments  
24 were received on the White Paper. All comments  
25 supported the development of Tranche Four.

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2 While many commenters agreed that  
3 auction -- that auctions and some similar competitive  
4 procurement mechanisms are often effective in general,  
5 all commenters agreed that an auction should not be  
6 used in this case because given the relatively small  
7 size of the proposed Tranche Four, the costs and risk -  
8 - risks associated with the auction, would overwhelm  
9 any benefits. Instead, the commenters recommended that  
10 Tranche Four MTC be set -- administratively set, either  
11 based on a further five-percent decline, or based on an  
12 -- an analysis of what was needed for further market  
13 activity.

14 The draft order before you today  
15 recommends that Tranche Four be created and utilities  
16 which have reached, or which are close to reaching  
17 Tranche Three capacity, specifically O&R, Central  
18 Hudson and NYSEG, that Tranche Three be immediately  
19 closed in O&R and Central Hudson and that Tranche Three  
20 immediate -- be immediately closed when it reaches  
21 capacity in NYSEG, where it's relatively close to being  
22 full, but is not yet full.

23 Based on an analysis conducted by  
24 NYSERDA and Staff, the draft order establishes a  
25 Tranche Four MTC in O&R, which is designed to provide

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2 75 percent of NEM compensation, for a 15 percent total  
3 reduction in compensation from Tranche Three. Due to  
4 the lower initial MTCs in Central Hudson and NYSEG and  
5 based on the same analysis, the draft order establishes  
6 a Tranche Four MTC in those utilities, designed to  
7 provide 85 percent of NEM compensation, for a five  
8 percent total reduction in compensation from Tranche  
9 Three.

10 The capacity allocations for Tranche  
11 Four in each utility, are based on Tranche Three,  
12 rounded up to account for the Commission's  
13 consideration of an increase in project-size limit to  
14 five megawatts.

15 The Tranche Four MTCs and capacity  
16 allocations in the draft order, are designed to  
17 continue to animate the market, while causing minimal  
18 incremental impact to non-participating ratepayers.  
19 This will also encourage developers to find and build  
20 projects in the locations that have the highest values  
21 and lowest costs, consistent with the goals and  
22 principles of REV.

23 To avoid further impacts on a focused  
24 group of ratepayers, in particular, the -- the  
25 residential ratepayers in the relatively small utility

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2 territories of O&R and Central Hudson, the Tranche Four  
3 all -- capacity allocations are hard caps, such that  
4 once they are reached, in a utility territory, no  
5 further market-transition credit will be available for  
6 new projects.

7 So that the market is not subjected to  
8 unreasonable uncertainty or delay, the order directs  
9 Staff to immediately begin working with stakeholders  
10 and NYSERDA, to develop a proposal for compensation,  
11 once Tranche Four has been filled in a territory, which  
12 should specifically consider statewide funding  
13 mechanisms, such that the impact of any further  
14 projects isn't -- is not focused on those small groups  
15 of ratepayers.

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

18 CHAIRMAN RHODES: Thank you, Ted.

19 I -- I'll begin with my remarks.

20 I welcome this item. I find that it  
21 represents a thoughtful outcome, preserving our  
22 interest in advancing compensation for distributed-  
23 energy resources, including solar. Basing that  
24 compensation on value, I find that it gives developers  
25 and customers clarity to work with and preserves the

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2 ability -- their ability to deploy this -- this  
3 resource, solar, and I find that it does so, while  
4 minimizing the cost to ratepayers.

5 I will vote to approve.

6 Commissioner Sayer?

7 COMMISSIONER SAYRE: I'm in agreement  
8 with the Chair's comments.

9 This item required a hard look to  
10 balance the public interest in increasing and  
11 supporting new clean-energy resources, against the  
12 incremental burden of these programs on non-  
13 participating customers. I think this item strikes an  
14 appropriate balance.

15 It does indeed provide for a modest  
16 increase in overall clean energy support, but the  
17 alternative of essentially shutting down future CDG  
18 projects in Central Hudson's and O&R's territories was  
19 simply one that I couldn't support.

20 The second choice in this item was a  
21 good deal easier. Once we decided to go ahead with an  
22 additional tranche, as the Chair said and -- and as Ted  
23 said, it was clear from the comments, that requiring a  
24 reverse auction for the available support, would set up  
25 an unwieldy and expensive process, for a relatively

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2 small area and by itself, might have severely  
3 discouraged new project development.

4 So, this item sets the approach -- the  
5 -- the support amount administratively and I think it  
6 strikes a good balance there.

7 CHAIRMAN RHODES: Thank you.

8 Commissioner Burman?

9 COMMISSIONER BURMAN: So, can you just  
10 explain, in layman's terms, Tranche Three, what happens  
11 after it gets filled?

12 MR. KELLY: Sure.

13 So, under the terms of the March order,  
14 we're -- when Tranche Three got filled, projects  
15 continued to be placed in to Tranche Three. It  
16 essentially was allowed to overflow, until the  
17 Commission took further action, which this order --

18 COMMISSIONER BURMAN: Correct.

19 MR. KELLY: -- is that further action.

20 COMMISSIONER BURMAN: Right.

21 And now, what's going to happen after  
22 this, if -- if this Commission votes for this?

23 MR. KELLY: So, Tranche -- so, any new  
24 projects, which have not yet met the milestone to be  
25 placed in Tranche Three, but which subsequently meet

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2 the milestone, will be placed in to Tranche Four.

3 Once Tranche Four is filled up, in a  
4 given utility, there will be no MTC available to any  
5 new projects, unless and until a new decision is made  
6 on the Commission. For example, on the Staff's  
7 proposal for a statewide funding mechanism.

8 COMMISSIONER BURMAN: Has there been any  
9 analysis on what that cost-shifting may be?

10 MR. KELLY: So, the -- the -- the cost-  
11 shifting of Tranche Four is relatively minimal. It's,  
12 you know, it's an -- it's -- the estimates are very --  
13 contain a lot of assumptions, but under a third of a  
14 percent and likely under a quarter of a percent.

15 COMMISSIONER BURMAN: And what about if  
16 we go beyond that?

17 MR. KELLY: Well, I'm not sure I  
18 understand.

19 I -- it would depend how we went beyond  
20 it. Certainly, it, you know --

21 COMMISSIONER BURMAN: Right.

22 MR. KELLY: -- it -- on what level we  
23 went --

24 COMMISSIONER BURMAN: Right.

25 MR. KELLY: -- beyond it -- that, would

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2 --.

3 COMMISSIONER BURMAN: And when we will  
4 make that determination?

5 MR. KELLY: So, the order requires Staff  
6 to make a proposal, I believe by May 1st. That would  
7 then go out for public comment, so some time -- I don't  
8 have the dates on me, for the -- the -- when the  
9 public-comment process -- April 30th, actually, but  
10 some time by late summer, or early fall at the latest,  
11 that would be ready for a Commission decision.

12 COMMISSIONER BURMAN: Okay. So, there  
13 seems to be concern that there is potentially a cost-  
14 shifting problem and that we have to account for that  
15 and that we have to worry about the non-participating  
16 customers, is that fair to say?

17 MR. KELLY: Yes.

18 COMMISSIONER BURMAN: Okay. And that  
19 because of that, we are trying to figure out what the  
20 right balance is, is that fair --

21 MR. KELLY: Yes.

22 COMMISSIONER BURMAN: -- to say?

23 Okay. So, that this is looking at now,  
24 trying to forecast that and figure out what the right  
25 information should be for Tranche Four and then for

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2 potentially Tranche Five and what it means for each  
3 service territory and potentially moving away from it  
4 in Orange & Rockland and moving to a statewide program,  
5 so that some of the utilities that are hardest hit,  
6 Central Hudson and Orange & Rockland, cannot have it  
7 continue to penetrate because the penetration is  
8 potentially an issue.

9 MR. KELLY: I think penetrate -- I think  
10 it's an issue on the potential cost-shift side. It's  
11 not an issue on the -- sometimes penetration is spoken  
12 of as an issue, in terms of system impact, impact on  
13 the energy system and we don't have any concerns about  
14 that, at this time. But -- but on the potential cost-  
15 shift side, yes.

16 COMMISSIONER BURMAN: Okay. The concern  
17 I have is that I continually have felt that we are  
18 doing a delicate dance of -- of being unwilling to  
19 admit that we may have a problem in a -- going from  
20 net-metering to value-D and the transition of that and  
21 what that means for when we lift and completely get rid  
22 of net-metering and the grandfathering issue.

23 Back in October '15 -- 2015, when we had  
24 an order establishing interim ceilings on the  
25 interconnection of net-metered generation, I dissented

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2 at that time. That was when we -- when the Commission,  
3 at that time, lifted temporarily, the net-metering caps  
4 and at that time, I was very concerned about what I  
5 felt was -- that we needed to really take a hard look  
6 and I'm going to read my dissent because I believe  
7 strongly that many of the words in my dissent apply  
8 today.

9 I strongly believe in the vision of New  
10 York's Reforming Energy Vision. I understand that we  
11 need to work together to enable self-sustaining clean-  
12 energy markets at scale and build a cleaner, more  
13 resilient and affordable energy system.

14 The achievement of our goals will not  
15 happen overnight. I believe that the majority opinion  
16 is made in a good-faith effort to have stability, while  
17 still working on achieving our REV goals. In fact, the  
18 majority position of not disrupting the distributed-  
19 generation development efforts, is one I support.

20 I'm also in agreement that REV should  
21 ultimately decide alternatives to net-metering.

22 However, we are in disagreement on what  
23 to do during this transition and if this decision  
24 actually achieves for the short- and long-term, a more  
25 stable, sustainable energy system.

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2 Moreover, I do not believe that this  
3 decision today is a true, transitional approach. In  
4 fact, the decision may invite uncertainty and confusion  
5 in the implementation of net-metering and  
6 unintentionally cause long-term harm to the goals we're  
7 trying to achieve.

8 First, from an initial threshold matter,  
9 we do not have a robust and transparent formal  
10 notification. And it goes on and I -- I don't need to  
11 continue with that because it gets in to the process  
12 issues.

13 I do believe that -- that we're back to  
14 the same issues though, where we -- we mean well, we're  
15 trying to work through it, but that at the end of the  
16 day, we need to do some more calculations on what this  
17 means from penetration and also, whether or not we are  
18 potentially not making some harder choices now and  
19 also, looking at if we are going to again, look at now  
20 taking this statewide, it goes back to that Public  
21 Service Law, Section 66, which I do believe that while  
22 we may have gotten away from it by moving away from it  
23 to a value stack, it still goes back to the same basic  
24 tenant of the Public Service Law. I do believe my  
25 dissent of questioning whether or not we had gone too

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2 far and exceeded our legal authority, is still as valid  
3 today as it was then and just because the petition for  
4 rehearing was withdrawn, doesn't mean that there's  
5 still not some basic principles on whether or not that  
6 was in fact exceeding it.

7 I do think that we can work together to  
8 get to a good point and I do think that we need to work  
9 through that. I am concerned that just like last time,  
10 we are not making hard decisions now that we need to.  
11 So, some of these decisions that are looking forward to  
12 handle it later, need to be more finely-tuned now and  
13 is just adding to more confusion.

14 I am not sure that going to the  
15 statewide application is necessarily the answer, but I  
16 do think that we need to look carefully. I think we  
17 need to look in to each territory and work with the  
18 utilities and all the stakeholders and most  
19 importantly, the customers and work on holistically  
20 what's there. And I think we can do that.

21 So, I am going to vote for this item, to  
22 show my support for getting there, but I am raising a  
23 red flag that we need to work together and get back to  
24 the four corners of what the intent was with that and  
25 also, be more diligent about focusing on the cost. We

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2 are now admitting that there is a potential cost-  
3 shifting and we also are now admitting what we were not  
4 admitting back in October 2015, when I said it at  
5 session, that there was problems for the non-  
6 participating customers. So, in some ways, this is  
7 admitting what I was alone with back in 2015.

8 So, with that, I do think that it shows  
9 that for us, we are together in solving the issue and  
10 so, that's why I will be supportive.

11 Thank you.

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

14 COMMISSIONER ALESI: I'm in favor,  
15 nothing to add.

16 CHAIRMAN RHODES: Thank you.

17 We will now proceed to -- I will -- I  
18 will now proceed to call for a vote on item 202.

19 My vote is in favor of the  
20 recommendation to improve implementation of Tranche  
21 Four, as described.

22 Commissioner Sayre, how do you vote?

23 COMMISSIONER SAYRE: Aye.

24 CHAIRMAN RHODES: Commissioner Burman,  
25 how do you vote?

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2 COMMISSIONER BURMAN: Aye.

3 CHAIRMAN RHODES: Commissioner Alesi,

4 how do you vote?

5 COMMISSIONER ALESI: Yes.

6 CHAIRMAN RHODES: The item is approved

7 and the recommendation is adopted.

8 We will now move to the consent agenda.

9 Do any of my fellow Commissioners wish  
10 to recuse from voting on or comment on any item or  
11 items on the consent agenda?

12 Seeing none, I will now proceed to call  
13 for a vote on the consent agenda.

14 My vote is in favor of the  
15 recommendations on the consent agenda.

16 Commissioner Sayre, how do you vote?

17 COMMISSIONER SAYRE: Aye.

18 CHAIRMAN RHODES: Commissioner Burman,

19 how do you vote?

20 COMMISSIONER BURMAN: Aye.

21 CHAIRMAN RHODES: Commissioner Alesi,

22 how do you vote?

23 COMMISSIONER ALESI: Yes.

24 CHAIRMAN RHODES: The items are approved

25 and the recommendations are adopted.

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

4 SECRETARY BURGESS: There's nothing  
5 further to come before you today.

6 The next Commission meeting is February  
7 22nd at ten-thirty, in Albany.

8 CHAIRMAN RHODES: Thank you, very much.

9 With that, we are adjourned.

10 (The meeting adjourned)

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2 STATE OF NEW YORK

3 I, HANNAH ALLEN, do hereby certify that the foregoing was  
4 reported by me, in the cause, at the time and place, as  
5 stated in the caption hereto, at Page 1 hereof; that the  
6 foregoing typewritten transcription consisting of pages 1  
7 through 31, is a true record of all proceedings had at the  
8 hearing.

9 IN WITNESS WHEREOF, I have hereunto  
10 subscribed my name, this the 23rd day of January, 2018.

11

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13 HANNAH ALLEN, Reporter

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