

Monthly Meeting 3-9-2017

STATE OF NEW YORK

PUBLIC SERVICE COMMISSION

MEETING OF THE PUBLIC SERVICE COMMISSION

Thursday, March 9, 2017
10:35 a.m.
Three Empire State Plaza
Agency Building 3, 19th Floor
Albany, New York

COMMISSIONERS

AUDREY ZIBELMAN, Chair
GREGG C. SAYRE
DIANE X. BURMAN

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2 (The meeting commenced at 10:35 a.m.)

3 CHAIR ZIBELMAN: Well, welcome and I'd
4 like to call the session of the Public Service
5 Commissioner to order.

6 Secretary Burgess, are there any
7 changes to today's agenda?

8 SECRETARY BURGESS: There are no
9 changes to the agenda, but there's one clarification.

10 Item 301, which is case 15-E-0751,
11 also includes case 15-E-0082, which is a proceeding
12 on the policies, requirements and conditions for
13 implementing a community net-metering program.

14 CHAIR ZIBELMAN: Thank you.

15 Okay. Before we get started on the
16 formal agenda, I, you know, because while those of us
17 were sort of thinking it was a mild day in New York
18 City, there was high winds and a hail storm going on
19 in Western New York and so we had a number of very
20 significant outages. I've -- I've asked Mike Worden
21 to give us a brief update.

22 So, Mike, would you just fill us in?

23 MR. WORDEN: Sure.

24 Good morning, Chair Zibelman and
25 Commissioners.

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2 Currently, there are approximately two
3 hundred thousand customers without electric service
4 throughout New York State. Most of these customers
5 are in Western New York, the Buffalo, Rochester and
6 Metropolitan areas.

7 Probably the hardest hit area is in
8 Monroe County, where there are over a hundred
9 thousand outages at this time and that's about a
10 third of the customers in Monroe county, so that's
11 pretty -- pretty significant, obviously. The Monroe
12 County EOC is open and RG&E has provided the --
13 around the clock staffing, at that EOC. There's
14 another one, I believe it's Warren County just opened
15 this morning as well.

16 The utilities are reporting
17 significant tree and pole damage in most heavily
18 impacted areas. There are a number of transmission
19 lines down, but the -- to our knowledge, none of them
20 are affecting customers at this time, but they're
21 still very critical to get that work done.

22 The winds were severe enough that they
23 tipped over empty tractor trailers and they actually
24 caused a freight train derailment in Batavia. There
25 are a large number of schools closed today and the

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2 utilities are holding mutual-assistance calls, which
3 is part of their regular practice.

4 Now, this storm actually started west
5 of New York. In Michigan, for example, there are
6 over eight -- eight hundred thousand customers
7 without power, as of this morning. So, there are
8 significant power outages going on, through a wide
9 region.

10 That makes mutual assistance
11 challenging, but the New York utilities have been
12 responding. NYSEG and RG&E have approximately five
13 hundred -- over five hundred line crews already
14 working on this restoration and they have another --
15 over two hundred line crews en route to the Rochester
16 and surrounding areas. National Grid has about nine
17 hundred line crews working on restoration and they
18 have a -- another hundred and eighteen crews -- or a
19 hundred and eighteen workers in-transit. So, that
20 process will continue.

21 We actually had a call with the
22 utility executives this morning, first thing.
23 Commissioner Sayer joined us on that call, where we
24 reiterated the -- our support for them, getting the
25 crews they needed to restore service, in a timely

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2 manner. Obviously, this time of year, even though
3 we're started towards spring, we still have cold
4 temperatures, so it's important to get power restored
5 to houses, so that they have, you know, warm
6 conditions in their house and they don't have to stay
7 out of their house any longer than necessary.

8 We will continue to provide updates
9 through the duration of the event and monitor
10 restoration activities and that's basically a
11 snapshot of where we're at right now.

12 CHAIR ZIBELMAN: Well, thank you.

13 And, you know, I appreciate the work
14 of the downstate utilities to supply the mutual
15 assistance. It's moments like this that we're really
16 appreciative of the fact that we have a -- a -- a
17 regional approach.

18 Are there any questions for Mike on
19 this?

20 Dianne? No?

21 All right. And I apologize to
22 everyone. I'm suffering from a cold. You can blame
23 it on my granddaughter. I do.

24 We're going to move on to, then, the
25 regular agenda. The first item today is 301, which Jon

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2 Sorenson likes to call our Star Wars case, our VDER order.
3 And it's in the Matter the Value of Distribution Energy
4 Resources. Scott Weiner is going to be presenting that to
5 us today. Ted Kelly, our Assistant Counsel; Peter
6 Olmsted, Manager for Strategic Engagement; and Warren
7 Myers, our Director of Office and Market and Regulatory
8 Economics, are also available for questions.

9 So Scott, please begin.

10 MR. WEINER: Thank you, Chair Zibelman and
11 Commissioners Sayre and Burman.

12 Over the course of the last week or more,
13 the team and I have had an opportunity to brief each of
14 you on a number of occasions. So I know you're familiar
15 with the contents of the order. And I'm going to take,
16 even for me, just a few minutes to provide an overview of
17 this order, its significance, and some of its major --
18 major components.

19 At the outset, I want to acknowledge the
20 Staff team that made this possible. Like every item in --
21 that the Commission and the Department works on, all
22 components of the Department, all Staff areas work on them
23 and make valuable contributions. For the past 14 months,
24 a team of Warren Myers, Peter Olmsted, Marco Padula, and
25 Ted Kelly worked along with me what seemed like around the

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2 clock to make this possible. And I want to acknowledge
3 their efforts.

4 I also want to acknowledge the contribution
5 made by NYSERDA, our sister agency, and particularly David
6 Sandbank and Carl Moss who made contributions all along
7 the way, directly and with their teams. But this could
8 not have all been accomplished, this order and what it
9 stands for, by Staff's efforts alone. At the outset of
10 this proceeding, we invited parties to put aside their
11 fundamental differences and to work on a practical common
12 ground, stressing areas of fundamental agreement and
13 principles, to materially improve and build upon the
14 current status quo and advance the shared vision of REV.

15 In looking back at some of the comments
16 that were submitted, I want to quote one set of comments
17 because they capture the spirit of the past year. These
18 commentators said, All parties showed grace in compromise,
19 recognizing the limits of what could be done in such a
20 short period of time on such complex issues, but also
21 recognizing that reform was underway, as difficult as it
22 may be. And that commitment to REV and the commitment to
23 the mark envisioned by REV make today possible and today's
24 order.

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2 I want to touch upon and call out some of
3 the outcomes from this order. Significantly, the order
4 before you actualizes the fundamental policy contained in
5 REV that accurate pricing and compensation of distributed
6 energy resources is essential to achieve the goals of REV,
7 most notably to be able to capture and compensate for the
8 benefits provided to the distribution system and thereby
9 provide price signals that will lead to the investment in
10 and the deployment of DER resources that will enable the
11 bi-directional and transactive load environment that
12 stands at the heart of New York's vision.

13 The order articulates, also, the
14 foundational policy that demand is of equal value to that
15 of injections. And as discussed further in the order that
16 goal, that policy is one that becomes a North Star.
17 Technological and other regulatory realities today prevent
18 its full application, but that's a guiding principle that
19 will take us into the future.

20 Significantly, this order initiates the
21 first step, the interim methodology towards the transition
22 where full value will be able to be obtained. The order
23 establishes the schedule that ends new enrolments in net
24 energy metering and, thereby, will end new enrolments in
25 that mechanism.

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2 And the order notes that while NEM is
3 served as a foundational pillar for the emergence of solar
4 and other forms of distributed generation, it obscured the
5 accuracy evaluation resulting in inadequate and imprecise
6 signals that served as a deterrent to investment.

7 The order initiates the application of the
8 new, I call it, VDER methodology. We may run a contest to
9 name this methodology, but it initiates its application.
10 And it initiates in a way of measured steps to launch the
11 mechanism in order to provide for the first stage of more
12 accurate compensation.

13 The order confirms the ability of all
14 generators to obtain certificates for environmental
15 attributes and to retire those certificates in compliance
16 with Green-e and similar sustainability programs.

17 The order speaks loudly about the
18 Commission's continued commitment to low-income customers,
19 particularly in the areas of energy affordability and
20 access to distributed energy resources.

21 And finally, the order establishes further
22 proceedings, including the commencement of phase two of
23 this proceeding.

24 A quick note on procedural history. This
25 particular proceeding responds to the Commission's

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2 directive to develop an interim methodology for more
3 precise and accurate valuation and company compensation
4 methodology. This direction has been rooted in the
5 Commission's work since the inception of REV and was
6 discussed in Tracks One and Two, the community DG order,
7 and, most recently and most forcefully, in the Orange and
8 Rockland floating cap order.

9 The initial focus, according to the
10 Commission's direction, is to transition from net energy
11 metering. And, therefore, the work during this interim
12 phase was limited to technologies which qualified for the
13 net metering compensation mechanism. However, the order
14 discusses that the principle of technology neutrality and
15 the inclusion of all DER technologies is a essential
16 element of the phase two proceedings.

17 This particular proceeding was initiated in
18 December of 2015. We were directed -- Staff was directed
19 to produce and present the Commission with a recommended
20 methodology by December of 2016. And Staff issued its
21 report for public comment in October of '16.

22 This was, as I alluded to, and I think
23 anybody who's observed, and certainly those that have
24 participated know this is a uniquely successful
25 collaborative and transparent process. Over a period of

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2 10 months, there were numerous workshops, technical
3 conferences, collaborative conferences to discuss the
4 issues and options with all stakeholders. Anybody who
5 wanted to attend the meetings were welcome. There were
6 questions that framed the discussion. We invited
7 proposals from all interested participants. Those
8 proposals were presented and debated among the
9 participants.

10 To facilitate the consideration of options,
11 Staff began to offer what we called discussion straw
12 proposals that helped frame the discussion and then we
13 issued our report. After the report was issued, 35
14 parties submitted initial comments, 26 reply comments, and
15 we've received over 3,000 public comments in this matter.
16 And while differences have been expressed, certainly, on
17 the details, I think it's clear to say that a consensus
18 was adopted about the importance and the design of the
19 value stack and the tranche system, which I'll describe in
20 a minute -- excuse me -- as the foundation of the new
21 methodology.

22 The order articulates -- this order
23 articulates fundamental policy decisions that establishes
24 the basis for the implementation of the interim VDR tariff
25 -- what we call the phase one VDR tariff. And it's

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2 coupled with additional opportunities for a slightly
3 revised net energy metering opportunity to aid in a
4 transition and avoid market disruptions.

5 I want to spend just a minute talking about
6 the continuation of the net metering mechanism. I know of
7 concern to all those that have systems installed today
8 that this order grandfathers all interconnected systems
9 and those will continue on under the current statutory
10 scheme for the life of the system.

11 However, the continuation of the net
12 metering mechanism for new installations is now
13 established under the new VDR tariff that is contained and
14 will be implemented through this order. We call that
15 phase one NEM.

16 Phase one NEM is the exact same
17 compensation as the existing NEM. There is no difference.
18 The compensation is exactly the same. The one difference
19 is it is limited in time. So for all systems that are
20 enrolled in phase one NEM, that mechanism will be
21 available for 20 years from the point of operation for
22 small mass market systems.

23 For larger systems like community DG and
24 other commercial on-site systems, that period will be 25
25 years. And the order goes into great detail, explaining

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2 why that difference occurred. The switchover to phase one
3 NEM is going to be based upon an objective criteria. We
4 wanted to avoid any uncertainty and factual disputes as to
5 when the switchover occurred.

6 After taking a look at the new SIR
7 methodologies that were adopted by the Commission next
8 month for interconnection of solar systems and other DG
9 systems, the order adopts a framework where -- where all
10 projects that are -- that have finished construction as of
11 today will be eligible for NEM. All projects that have
12 not finished construction by today, but are otherwise
13 eligible for net metering will use the new phase one
14 mechanism. And again, the only difference, the
15 compensation is exactly the same.

16 So then the question is how did we suggest
17 or we determine whether or not a project has completed
18 construction and is a process through which when a project
19 is, in fact, done with construction, the utility's
20 notified in writing and the transmittal of that letter,
21 asking for the utility to come inspect will be the
22 objective indicator the construction's been completed. We
23 recognize that some projects could have reached that stage
24 today or yesterday and that the letter is sitting on
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2 someone's desk. We didn't want that to be a snag. So we
3 built in a seven-day grace period to submit the letter.

4 CDG projects and larger on-site remote
5 projects will also be able to utilize phase one. There
6 will be a more limited opportunity than mass market. For
7 mass market, enrollment will continue until January 1,
8 2020. So all projects that have completed and have been
9 interconnected by January 1, 2020, will be eligible to
10 enroll in the phase one NEM methodology.

11 This was done and this transition period
12 was established in recognition of the maturity of that
13 market segment and the accompanying established business
14 practices, as well as some technical constraints that
15 would not permit today universal metering and measuring
16 the detail that we needed for the value stack.

17 For CDG projects and larger on-site remote
18 projects, that period is much shorter. It's limited to
19 the first 90 days following the order and it's also
20 limited in -- in the number of megawatts that can be
21 enrolled. And there is an allocation procedure for each
22 service territory that I'll discuss in a minute.

23 The order also reflects the Commission's
24 concern about being able to manage the potential bill
25 impacts that could come from the actions taken in this

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2 order. A phase one NEM and the VDR compensation mechanism
3 will impact customers' bills because of reduced revenues
4 and surcharge collections. Staff had recommended and this
5 order adopts what we describe as a 2% ceiling that would
6 be determined for each service territory, so limiting
7 potential bill impacts to 2% for the application of phase
8 one NEM, as well as the CDG projects.

9 In a nutshell, what the order discusses in
10 much greater detail is we calculated out what this 2%
11 ceiling would look like for each service territory that
12 yielded a number of megawatts over the course of this
13 phase one period. And those megawatts were then allocated
14 first to assure there was a sufficient allocation to
15 sustain the level of installations unique to each service
16 territory that's occurred over the past two years. So
17 market activity is sustained.

18 And for CDG, it allocates along tranches
19 and these tranches represent a portion that will be
20 eligible for phase one NEM and then other tranches that
21 will be available for inclusion, but ever reducing amounts
22 of a market transition credit.

23 The fundamental construct that's presented
24 by this order is the value stack and tranches during phase
25 one. The value stack is the term used for the aggregation

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2 of specific value components. And we anticipate that over
3 time and in phase two and in the years that follow, the
4 number of components will increase and the granularity of
5 each component will increase, achieving the type of
6 specificity and precision and accuracy that we strive for.

7 Recognizing that this phase one is -- is
8 just a first step, the methodology balances granular and
9 variable pricing with the recognized need for stability
10 and predictability for project development in this first
11 phase.

12 Implementation of the value of DER tariff
13 is based on policies established by this order. This
14 order establishes all the policies necessary to implement a
15 value stack and tranche system. Now that these policies
16 will have been adopted by the Commission, assuming you
17 vote on it, of course, then the utilities will be able to
18 provide the data that responds to those policies that
19 allows the final calculations for the value stack.

20 That will occur during the coming months.
21 And I want to stress that activity is objective and will
22 involve periods of stakeholder consultation and comment
23 before it comes back to the Commission. Excuse me. But
24 we expected that should be able to take place so that, by
25 the summer, the Commission will be in a position to

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2 consider the recommendations and implement the value
3 stack.

4 As I mentioned for community DG, there's
5 also a system of tranches. And the idea around these
6 tranches is to allocate a development opportunity in such
7 a way that the market transition credit, which is provided
8 as a transition catalyst to enable the development of
9 projects, will gradually step down over time. And the
10 allocation of megawatts into the tranche system is all
11 within this 2% incremental bill impact ceiling the
12 Commission established. And the details of that are set
13 forth in the order.

14 I want to note that this approach was first
15 proposed in the collaborative through the SPP team that
16 was made up of the joint utilities and a few of the solar
17 companies. That proposal, in and of itself, was not
18 accepted, but that concept had become the foundation for
19 future discussions and eventually became the consensus
20 tool.

21 Lastly, I want to talk about the further
22 proceedings that are called for in the order. First, I
23 want to mention phase two. That will start with a
24 gathering of the parties, either in a procedural
25 conference or another planning conference that will be

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2 held in May '17 -- May of this year. The order sets forth
3 certain priority topics, including, but certainly not
4 limited to the inclusion of non-NEM technologies in phase
5 two, improving the value stack components, and various
6 rate design issues.

7 Importantly, the order articulates that
8 Staff should not wait until the end of the phase two
9 discussions to present recommendations and the Commission
10 invites the recommendations as soon as they are ready.
11 And I know that Staff and the parties appreciate that
12 opportunity.

13 Secondly, the order calls for the utilities
14 each to file work plans to unbundle values. Those work
15 plans need to be filed within 45 days. The order spends a
16 good amount of time discussing the importance of this data
17 and that this is data and information which is uniquely in
18 the hands of the utilities. And having access to this
19 data in a transparent way will not only enable the
20 development of increased granularity of values, but will
21 also provide the opportunity for market participants to
22 actively participate more than in just the vetting of that
23 data, but also the opportunity to suggest other values and
24 other products that may be appropriate.

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2 Next to last, the -- another further
3 proceeding will take a look at cost reduction measures
4 that can be initiated to help bring down the cost of
5 project development for community DG. These include such
6 things as consideration of increasing the project -- the
7 size of a project which is now capped at two megawatts,
8 looking at new or redesigned incentives from the Green
9 Bank in terms of financing, New York Sun in terms of its
10 megawatt block program, and use of CEF funds, all to
11 complement the advent of the value stack tariff and
12 further -- and drive further CDG development.

13 And lastly, I just want to mention that
14 Staff is planning to conduct at least one webinar in the
15 latter part of this month in order to provide an
16 opportunity for interested stakeholders to get a much more
17 detailed explanation of the order.

18 Thank you.

19 CHAIR ZIBELMAN: Thanks, Scott.

20 I think in the interest of sparing
21 everybody my horrible voice, I'm just going to be -- I'm
22 going to keep my comments very short and turn it over to
23 Commissioner Sayre and Commissioner Burman.

24 So first of all, I want to note my
25 appreciation to the Staff team that -- that developed the

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2 -- both the white paper and then subsequently have worked
3 with collaborative. I do want to echo Scott's comments at
4 the beginning. You know, everybody -- every -- there are
5 many, many, many jurisdictions, both domestically and
6 internationally, trying to figure out how do -- how do we
7 move forward with distributed energy resources, how do we
8 move forward with renewables in a way that's more market-
9 oriented and make a transference from existing subsidies
10 to -- to a much more market-oriented approach.

11 And in many jurisdictions, these
12 conversations have been highly disruptive, that -- warring
13 parties on either sides, people haven't talked. And it
14 ends up, you know, in a compromise that often is probably
15 the worst of all -- all outcomes for -- for all parties,
16 because it ends up being in situations where no one really
17 can develop a business; it's just a patchwork.

18 I think that the parties who were part of
19 this case, the relationships that were formed among the
20 distributed energy resource providers and the utilities
21 and the Staff, and I include within that the NYSERDA folks
22 who really were with us the whole way, have been really,
23 really sort of demonstrable of the way things can get
24 done. And I -- I remark that, you know, in the beginning
25 people sat on other sides of the room and you were -- it

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2 was always clear if you walked into a collaborative who
3 were the utilities and who were the DER providers and
4 where was the Staff. And by the end, it -- it was --
5 became very unclear who was on what side because it was a
6 real conversation, as opposed to a debate.

7 And so I'm very appreciative to the fact
8 that people did work together and they did try to find
9 common ground and -- and, I think most importantly,
10 recognized that this was about consumers, fundamentally,
11 and we were trying to find the right solution for
12 consumers. So I think that that -- that this should be
13 noted as to how New York has -- has been able to start
14 this process of solving very challenging issues.

15 You know, for my purpose, this pricing
16 issue is one of the critical issues for REV. It's
17 something we identified in Track One. We talked about it
18 again in Track Two. The experience in other regions such
19 as Hawaii, such as Germany, such as Spain, such as
20 California, has been that people were developing clean
21 energy and then they realized they had an issue in terms
22 of how to manage systems very differently.

23 And one of things that they learned is that
24 they had things that people called the camels and the duck
25 problem where they weren't really thinking about the

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2 system. And as a result, they ended up spending a lot
3 more money than they needed to, or ended up having to
4 develop a lot more fossil generation than they wanted to
5 because they weren't really thinking about how the system
6 works.

7 And one of the things that, you know, we
8 know about electricity is that, you know, it obeys not the
9 laws of contract, but it obeys the laws of physics. And
10 we really have to design our markets and our systems based
11 on those laws first and foremost because that's how you're
12 going to get the most efficient outcome. Now that being
13 said, I think government has a very important role in
14 understanding that the laws of physics and markets, which
15 is how our markets are designed, isn't sort of the end all
16 and be all. There are very important policy issues that
17 have to accompany that because, after all, electricity
18 does remain an essential service and we have to make sure
19 that as we are proceeding, we're proceeding in a
20 thoughtful and deliberate manner that doesn't have
21 unintended consequences.

22 And so in all the actions, I think, we've
23 taken within REV is to recognize where we want to go, that
24 if we're thoughtful we can avoid the problems, and that
25 distributed energy resources, rather than being a problem

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2 that we have to solve for, can be a solution to the -- to
3 the issues that we want to get to, which is a clean energy
4 future.

5 And that really does then start with
6 understanding that the current mechanisms that we use to
7 price these resources are truly a blunt instrument and
8 don't really show the full value that distributed energy
9 resources can have on the system. And that includes not
10 just peak shaving which I think is very important, but
11 also load shifting.

12 As we move towards more cleaner energy,
13 we're going to see that the demand for energy is going to
14 go higher at night, when today it peaks in the afternoon -
15 - not the demand, but the resources are going to be
16 available better at night and so we need to be able to
17 shift our demand to when the resources are available, so
18 it's another value that DER can provide. It can provide
19 stability for the grid. It could provide reactive power.
20 It could provide fast response, all those things that are
21 going to be really, really important as we think about
22 moving to a much less carbon-intensive electric sector.

23 And so understanding that and getting that
24 value articulated so that third parties and customers can
25 invest in the systems that provide the highest value to

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2 the grid was a very critical component of REV from the
3 get-go. And we said that with an understanding that, you
4 know, in just saying that, that doesn't really solve the
5 problem. We really need to think through how we're going
6 to get there.

7 And so in my mind, the order solves and
8 does do a lot of the things that the Commission said they
9 wanted to achieve.

10 One was to recognize that net energy
11 metering has played a very important role in providing a
12 stable business for -- for qualified resources and that we
13 wanted to preserve the good things about net energy
14 metering as we move forward.

15 The second, and this is another important
16 role, I think, government plays, is that we need to
17 provide certain amount of certainty and a certain amount
18 of ability for businesses to adjust. And so we need to
19 not just simply say we're going to change. And so the
20 problems that folks had in Arizona and Nevada, where they
21 just totally upset the entire industry, was something we
22 deliberately wanted to avoid in New York. And I think the
23 order does that by having a very sensible transition to
24 where we want to go.

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2 And then the third piece is really -- is
3 looking at how to price these resources accurately,
4 understanding all of the value the distributed energy
5 resources can have to the system and getting us to a
6 place, along with the other orders we're going to be
7 dealing with today, to really start executing so that we
8 can have a system that is truly two-way, one that looks at
9 the ability to manage demand that, on a equal basis, as
10 being able to inject supply. And I think that's sort of
11 the heart of this order is moving us in that direction.

12 That being said, I also appreciate the fact
13 that one of the things that's going to be very critical
14 for the state, as we move forward with adopting more
15 distributed energy resources, is access. And, you know,
16 today, we have and we've always had universal access to
17 supply, we have policies in our state around
18 affordability, to make sure that -- that everybody has
19 access to the same types of resources at affordable rate.

20 When it comes to distributed energy
21 resources, access takes on a new meaning. We don't
22 believe that all the markets are going to mature at the
23 same level and we want to make sure -- and this is one of
24 the things that under -- that was certainly underlying our
25

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2 order on community DG, that low-income consumers have
3 access.

4 We have groups talk about energy democracy.
5 I love that term. And I think giving people choice is
6 very, very important, and it's something we want to pursue
7 in the state. So the other aspect of the order that I
8 appreciate is recognition, that as we move this market
9 forward, it's not -- we need to make sure that we are not
10 creating haves and have-nots, and there is opportunities
11 for everyone. And if they don't exist just simply by way
12 of the market, that's where the government needs to
13 intervene.

14 And so I think the order provides the right
15 balance. It provides the right vision. This is
16 complicated. I understand that, you know, not everyone's
17 going to be happy with every aspect of it. But that is
18 sort of why we are here is to -- is to make sure that, as
19 we're moving ahead, we stay true to where we want to go.

20 But ultimately, I think that what it
21 represents is -- is really what's very important to New
22 York, which is recognition that distributed energy
23 resources are a very important part of our energy future.
24 We need to create the markets that make them work. We
25 need to recognize that today, as we sit here, we don't

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2 really appreciate the full value that these resources can
3 provide to the system and we certainly don't want to
4 undercut their value by our innocence.

5 And fourth is -- is that we need to
6 continue to move quickly to recognize that one of the
7 things we don't want to do is create unintended subsidies
8 and put ourselves in a position where there's inequity
9 among various consumer classes, including this new group
10 of consumers we call prosumers and normal consumers. I
11 think we've achieved that balance and I intend to work --
12 vote for it. But I really do appreciate the work of the
13 Staff team and the parties to -- to help us get there in
14 this very complex matter.

15 Thank you.

16 I'll turn it over to Commissioner Sayre.

17 COMMISSIONER SAYRE: This case is a success
18 story, as the chair said and -- and Mr. Weiner said, of
19 the collaborative process. Unlike traditional notice and
20 comment proceedings, where parties hire lawyers to file
21 their litigation positions, we had all interested parties
22 collaborating in this case and ultimately coming up with a
23 framework that nearly everybody can live with and, more
24 importantly, can work with even if nobody may be wildly
25 happy with the overall result.

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2 The collaborative process didn't answer all
3 the questions and we were left with some hard decisions to
4 make at the Commission level to balance the public
5 interest. That's okay. It's what we're paid to do.

6 In these collaborations, we started from a
7 good proposition. It was understood from the very
8 beginning that we want to encourage and increase DERs in
9 New York, not limit them. This order is the beginning of
10 a long process to value all DERs and then move toward
11 compensation at those values. We're being careful and
12 incremental in that process and we're doing our best not
13 to upset legitimate economic expectations for parties who
14 have already made contracts or are far along in that
15 process, and not to upset the marketplace by making New
16 York uneconomical for new clean distributed energy.

17 But at the same time, we're balancing the
18 interests of non-participating ratepayers to ensure that
19 they are treated equitably and not unduly burdened. All
20 in all, we're taking a large step in this order toward
21 proper valuation of distributed energy resources. And
22 we're carefully explaining our next steps.

23 The value of DER as a concept is at the
24 absolute core of REV. And this order moves our regulatory
25 policies along with the developing markets and

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2 technological changes that are happening in this industry.

3 We've got to be careful not to get too far behind and

4 we've got to get -- be careful not to get too far ahead.

5 So we're a long way from being done here,

6 but I can say we're committed to seeing it through.

7 CHAIR ZIBELMAN: Thank you.

8 Commissioner Burman?

9 COMMISSIONER BURMAN: Thank you.

10 First, I would also like to recognize those

11 hardworking utility workers and staff, who are out there

12 right now dealing with the issues from the storms and the

13 winds, and also to the customers who are experiencing

14 unprecedented wind in those areas. I really -- my

15 thoughts are with them.

16 And I -- I -- we're really at an inflection

17 point and looking at the Value D proceeding. It really

18 came about from the Commission's October 16th, 2015, order

19 which established the interim ceilings on the

20 interconnection of net metered generation or for what's

21 colloquially known as the floating cap order.

22 It's no secret that I dissented in that

23 order. And I do believe that that is a threshold issue.

24 I spent a great number of time re-reading that order, re-

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2 reading the comments in that order, and looking at what
3 does this mean for now as it transitions into the Value D.

4 The majority opinion in the -- that order
5 did talk about that this was a floating cap into the
6 transition of Value D. So it was a -- an opportunity from
7 that, to then look into and start this Value D proceeding
8 and address those core issues. So to the extent that the
9 majority opinion is controlling, it moves into now the
10 Value D.

11 And so my comments and my dissent in that
12 opinion still stand, except as a threshold matter, I'm
13 going to move beyond that for the purposes of this order,
14 but understanding that the underlying issue of whether or
15 not we had the ability to float the cap, and whether or
16 not the record was set in that order is something that is
17 still of concern for me. However, I do see that the Value
18 D order is now trying to give some certainty. And, as I
19 understand, there really are sort of three, now, positions
20 which is the NEM, then phase one NEM, and then Value D.

21 And I know that you're going to have --
22 we're going to have a webinar within the next 30 days. I
23 think it's very important that we do what we've done
24 before, where we give an opportunity for folks to share
25 their questions and comments and -- ahead of time, and

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2 also after the webinar because I do believe that the order
3 is very comprehensive, but the wording may need some
4 clarity from the perspective of that people want to make
5 sure that they understand it specifically. If not that
6 it's not, you know, unclear for purposes of -- of the
7 order, but just in terms of what that means.

8 With the -- the NEM, not phase one NEM, I
9 just want to make sure, at least today at session, that
10 people understand what that means for who can be in that
11 and what it also means for participation in the upcoming
12 April solicitation, and then move on to what it means with
13 phase one, specifically, and who can participate, and then
14 with the Value D, the value stack, what that means, so
15 that we have a clear understanding to the extent that it's
16 high level because the devils are in the detail in the
17 order. I think it's important for us to have that
18 conversation now.

19 MR. WEINER: Thank you, Commissioner
20 Burman. I'm going to defer the answer to my colleague,
21 Paul Agresta, counsel.

22 MR. AGRESTA: What was the question? No.

23 Okay. So I think I'm going to answer the
24 question about the solicitation. And then maybe Ted can
25 answer the rest of them. The solicitation you're

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2 referring to, I believe, is the Renewable Energy Standard
3 solicitation that NYSERDA will be doing, we believe, in
4 April. So that's for renewable projects.

5 So under the old RPS system, generally,
6 behind-the-meter resources were not eligible and at one
7 point the Commission did make a small exception and
8 allowed some projects that were getting net energy
9 metering to participate.

10 The restrictions in the RPS program were
11 that the net energy metering project had to be an eligible
12 technology under the RPS program. It couldn't get any
13 money from the customer-sited tier of the RPS program. It
14 couldn't get any money from the New York Sun program. It
15 couldn't get any money from the Clean Energy Fund program
16 incentives. It had -- and it also had to meet whatever
17 the vintage requirements were. And it was done because
18 there really was no other alternative, in the Commission's
19 view, for those projects.

20 Here, since there are now going to be
21 alternatives created under the phase one NEM tariff and
22 the value stack tariffs, the order proposes that those
23 projects be no longer eligible to bid into the -- the
24 Renewable Energy Standard tier one solicitations, with one
25 tiny little grandfathering exception.

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2 If the project makes the cutoff for
3 qualifying for pre-existing net energy metering, it would
4 still be eligible to bid into a solicitation under the RES
5 program. We're not sure that there will be any bidders in
6 that category, but by grandfathering them in, there may be
7 one or two projects out there where someone has invested
8 in a project to get it online after January 1, 2015, which
9 is the vintage date and now, and was planning on going to
10 the next solicitation, they would still be eligible if
11 they make the cutoff. But once we get beyond the cutoff,
12 there'll be no further eligibility for net energy metering
13 projects to bid in.

14 And there's -- there is a table on page B-
15 one of the order, it's Appendix B, which lays out who's
16 eligible and who's not. Basically, most of what's coming
17 in under the Value of D will not be eligible for bidding
18 in.

19 MR. KELLY: With respect to how that cutoff
20 works, so projects that are on pre-existing NEM, rather
21 than phase one NEM, are the value stack and, therefore,
22 are potentially eligible for the solicitation if they meet
23 the other requirements that Paul laid out.

24 Those projects will be, first of all, any
25 project that is already fully interconnected and in

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2 operation as of today, March 9th, and then in addition,
3 any project that has completed construction as of today
4 with both the utility and the developer having completed
5 construction. And that's in compliance with step eight of
6 the standard interconnection requirements for those kind
7 of large projects we'll be talking about for bidding --
8 potentially bidding into a solicitation, and at step four
9 for smaller projects.

10 So any project that has completed that
11 construction step, step eight, and then -- by today and
12 then sends a notification to the utility, which is part of
13 step nine, that all construction is completed within the
14 next seven days, so that the utility is able to record
15 that they had completed construction by today.

16 COMMISSIONER BURMAN: Thank you.

17 I do think that one of the most important
18 parts of this order is that table that Mr. Agresta
19 referenced in B-one because I do think it sort of lays
20 out, as clear as a table can lay out, what we're doing.

21 I also think one of the important things --
22 second most important thing in the order is the timeline
23 that's given. Now, I do caution, we did have timeline in
24 the Track One order, I believe. Maybe it was the Track
25 Three, but I think it was Track One. And those timelines

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2 were not always followed, not necessarily through anyone's
3 fault. But to the extent that we focus on what it means
4 if we're not keeping to that timeline and making sure that
5 that's revised as appropriate so that we can be laser
6 focused on the next steps on that.

7 There is, obviously, going to be concern on
8 the fact that we are looking at a hard stop date of today.
9 For those folks who are in the first queue, first NEM,
10 they're grandfathered forever for the life of their
11 project, but there will be those who say that it's unfair
12 that we did this with a hard stop. Do you have any
13 thoughts on that?

14 MR. WEINER: A couple. Staff making the
15 recommendation is very sensitive about the issue that you
16 raised. And we felt it was important to try and find an
17 objective event that one could point to. The objectivity
18 of the event would limit range of dispute. Therefore, as
19 Ted mentioned, we tied the decision into the new SIR queue
20 management process, installation process, that the
21 Commission adopted. And one of the concerns was we wanted
22 to go back in the process as much as we could, to avoid a
23 very hard stop. One thing we do is build in a seven-day
24 grace period. But we realized if we went back to a little
25 further in the process, that the number of projects that

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2 arguably could qualify, in fact, would be more than the --
3 the allocation in some service territories, to stay within
4 the 2% cap.

5 In other words, had we allowed more
6 projects in, there was a very good likelihood in some
7 situations that the Commission's desire to try to manage
8 potential bill impacts would be not undermined, but would
9 be lessened. So we feel that this struck the right
10 compromise.

11 The other issue is I think it's important
12 and I don't want to minimize the distinction, but I don't
13 want to make it more than it is, either. To me, the
14 important issue is that the compensation is exactly the
15 same. Somebody who is in the existing NEM paradigm and
16 somebody that's in the phase one paradigm will receive
17 exactly the same compensation. The difference is that
18 phase one, there will be that compensation mechanism will
19 operate up to 20 years.

20 Now, I certainly can't predict what's going
21 to happen in 20 years, but one of the assumptions we have
22 is that whatever the compensation mechanism is then, it
23 will be better than NEM, just because of the ability to
24 capture additional values.

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2 So the second point I want to make is at
3 the end of the 20 years, the system doesn't lose its
4 value. It doesn't stop being compensated. The mechanism
5 by which you will be compensated will change to the
6 mechanism that's then in effect 20 years hence from the
7 start of its operation.

8 MR. KELLY: May I?

9 MR. WEINER: Please.

10 MR. KELLY: I just want to also note that
11 the cutoff decision is consistent with what the majority
12 vote of the Commission had said in the floating cap or
13 interim ceiling order, which stated that once there was a
14 new compensation method ready, the ceiling would
15 automatically be set based on the generation currently
16 installed.

17 COMMISSIONER BURMAN: Okay. Thank you.

18 And then, can you talk about -- and I think
19 this is to Mr. Weiner. Can you talk a little bit about
20 the DER oversight next steps?

21 MR. WEINER: Sure. Thank you for
22 mentioning that.

23 There has been a proceeding underway for
24 some time now and it goes under the name of DER oversight.
25 And it -- what is in effort to develop a set of rules for

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2 the oversight of DER providers. The Commission
3 anticipated the need for this with the anticipated growth
4 of DER marketplace. And over a period of time, a number
5 of technical conferences were held, Staff recommendations
6 were issued, comments were received on that.

7 And then it was held in abeyance for a
8 number of factors, one of which was a recognition that so
9 much has changed in the DER marketplace in anticipation of
10 this order that it would be worthwhile to go back and take
11 another look at both the report and the issues that were
12 raised in the report and the draft or the construct of the
13 proposed order.

14 As a result of that, Staff concluded, it
15 would be good to update its knowledge and the
16 marketplace's knowledge. And this order that you're
17 acting on today directs the issuance of an updated Staff
18 report, if you will, or a series of questions that will
19 allow for public comment and then the presentation of an
20 order to the Commission.

21 We are targeting the same timeframe as the
22 implementation order, which would be the summer, so that
23 when the implementation order is adopted, the Commission
24 will be in a position to consider adopting an order
25 addressing the rules for DER oversight.

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2 COMMISSIONER BURMAN: Okay. Do you think
3 the timeline to addressing the DER oversight is realistic?

4 MR. WEINER: Yes. We have been -- we --
5 Staff have been working on the preparation of the
6 documents that will be submitted for public comment. And
7 that will go out, I believe, is in 30 -- within 30 days.

8 COMMISSIONER BURMAN: Okay.

9 MR. WEINER: And that will allow for
10 adequate time for public comment and the drafting of
11 recommendations.

12 COMMISSIONER BURMAN: Okay. You know that
13 I've been a vocal public proponent of making sure that
14 when we look at things and act that we're not just
15 operating based on stale -- potentially stale comments and
16 that we make sure that we have a robust current record
17 within which to act. DER oversight is a huge issue. It
18 needs to be addressed in a timely fashion. It needs to be
19 addressed in an appropriate way.

20 So to the extent that we also make sure
21 that we take those comments that happen there and make
22 sure with the new one that we also don't just look to
23 anyone that may be submitting, but make sure that if they
24 have submitted in the other one, that to the extent they
25 want to continue those same comments or update them, that

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2 we really need to be engaged in that so that we don't lose
3 some of the potential relevant information in those as it
4 translates, as well as how it incorporates in this new
5 paradigm.

6 MR. WEINER: Yes.

7 COMMISSIONER BURMAN: Can you also talk
8 about the low-income collaborative and the next steps on
9 that?

10 MR. WEINER: As the chair mentioned, the
11 Commission's commitment to low issues -- surrounding low-
12 income affordability and access to these technologies is
13 something that permeates the order. And of course, these
14 issues arise in almost every significant decision by the
15 Commission.

16 So what we have proposed here is a number
17 of initiatives, including the pulling together of the work
18 that came out of the -- of low-income collaborative, into
19 some initiatives, some of which are raised as -- for
20 consideration, CDG development. They would be targeted
21 towards low-income membership. There are others, but
22 consistent with your comments just now on DER oversight,
23 what we'll be doing is expanding, not starting a whole new
24 record, and then pulling together a holistic approach that
25 can focus on meeting and fulfilling the expectation, the

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2 aspiration of meaningful low-income participation and
3 access to these technologies and market systems.

4 COMMISSIONER BURMAN: Okay. Thank you.

5 I -- I believe strongly that all of us are
6 committed to addressing low-income issues to the extent
7 that we are able to, and I think this order continues that
8 commitment. I would ask, though, that any such proposal
9 and any potential action that we do really tries to look
10 at, holistically, all of the different orders, all of the
11 different comments, the proposals that have been out
12 there, and tries to make sure that we incorporate, as
13 appropriate, and align it and try to maximize the impact.

14 I do know that we have had a number of
15 different low-income collaboratives, working groups, task
16 force, et cetera. And my concern is making sure that we
17 really drill down. I've -- I've -- you know, I don't
18 think I've been able to see all of the different, you
19 know, work products that have come out of that. And I'm
20 not saying that they're hidden. I'm just saying that for
21 me, there's a lot there, and needing to make sure that we
22 fully drill down and actually understand what it actually
23 means and how it actually, specifically, may be utilized
24 under our jurisdiction to be able to have the most impact
25 for those who are affected.

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2 Okay?

3 I -- I will save my comments on energy
4 storage for the next -- sorry -- for the next orders where
5 we talk about it because I think it's appropriate. And I
6 don't -- you know, I'm not going to belabor my comments on
7 things that I've talked about before in terms of REV demos
8 and the NEM floating cap order.

9 I think that the pathway forward is here.
10 I think that we -- I don't necessarily agree with every
11 single thing, language-wise, in the order, but I do think
12 that there is a framework and I do think that we're now
13 moving into what does this mean. This order primarily
14 addresses the NEM issue and there is, you know, a need to
15 get more into the actual pricing and the fairness and the
16 compensation issues.

17 I do think that we will need to revisit
18 some of the compensation versus incentive issues in the
19 value stack issue. And so to the extent that it may have
20 landed in some way in preliminary NEM, I don't -- and
21 phase one NEM, that we are going to need to take a fresh
22 look.

23 I do also think that there may be some
24 things that -- unintended consequences that we -- we
25 didn't necessarily -- I guess, unintended; right? That we

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2 may -- right, I mean, there you go. So there may be some
3 consequences that are unintended that we will need to
4 address. And I think that, from that, I -- you know, I'm
5 done except that I believe that we will all need to work
6 together for looking at what this means and taking a hard
7 look and being willing to also listen to those who may
8 have concerns.

9 And that webinar, I think, is a good first
10 step because we all will get a pulse on what is completely
11 understood, what is not, and what some of the issues that
12 may arise from that. So I think that's very important.
13 So thank you.

14 CHAIR ZIBELMAN: Do you have anything
15 further? Thank you.

16 Just a couple of observations. One is, you
17 know, I would say that I think the order does do a very
18 good job. It does really focus on the NEM qualified
19 resources. You know, I would have, personally, preferred
20 that we have completely addressed all resources at this
21 time, but I recognize that we need -- there needs to be
22 more work done on that. But the order certainly suggests
23 or states that that will be done quickly.

24 I also -- one point we should -- again,
25 it's little odd since I won't be here. But I do think --.

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2 MR. WEINER: You can come back.

3 CHAIR ZIBELMAN: If I come, it will be to
4 sit back there and hold up a sign. Or yeah, I might even
5 borrow a sign.

6 Is to -- is that, as we're looking at the
7 DER oversight, we keep in mind we're also going to be
8 looking at the ESCO reset and those two things really
9 ought to dovetail. So I would hope that that's kept in
10 mind.

11 With that, let's -- let's move to a vote.

12 So all those in favor of the recommendation
13 to adopt the phased implementation, the Value of
14 Distributed Energy Resource tariff, as described, please
15 indicate by saying aye?

16 COMMISSIONER SAYRE: Aye.

17 COMMISSIONER BURMAN: And I concur, based
18 on my comments at session.

19 CHAIR ZIBELMAN: And I say aye. So it's --
20 hearing no opposition, there being none, the
21 recommendations are adopted.

22 Thank you. One down, 76 more to go.

23 CHAIR ZIBELMAN: Paul said I should have a
24 good time today, so I intend to.

25

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2 Our next item up is in the Matter of
3 Distributed System Implementation Plans. And it's
4 presented by Tammy Mitchell. Mike Worden is also here.
5 And as Ms. Tammy gets her seat.

6 Welcome, Tammy.

7 MS. MITCHELL: Thank you.

8 Good morning, Chair Zibelman and
9 Commissioners.

10 The draft order before you describes, at a
11 high level, the distributed system implementation plans
12 filed by the New York State investor-owned utilities and
13 provides utilities with initial direction on near-term
14 actions necessary for distributed system platform progress
15 in certain key areas.

16 As way of background, the Reforming the
17 Energy Vision, or REV Track One order, issued in February
18 of 2015, defined a set of functions the utilities would
19 need to develop in order to transition to a dynamic grid
20 model that incorporates distributed energy resources.
21 These functions are called, collectively, the Distributed
22 System Platform, or DSP.

23 The Commission further noted in its Track
24 One order that in establishing the DSP, improved utility
25 planning and operations, along with the development of a

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2 transactional DER market were necessary. And the vehicle
3 for defining and implementing these elements would be the
4 distributed system implementation plans, or DSIPs. And
5 its April 2016 DSIP guidance order, the Commission
6 required three utility filings, a joint utility filing
7 describing a plan and timeline for stakeholder engagement
8 to help inform the DSIPs, an initial DSIP to be developed
9 and filed separately by each of the individual utilities,
10 and a supplemental DSIP to be developed and filed jointly
11 by the utilities.

12 The utility stakeholder engagement plan
13 laid out a formal process, designed and led by the joint
14 utilities, to elicit input from interested stakeholders on
15 a variety of issues to be addressed in the DSIPs. The
16 engagement process involved a number of parties and, in
17 addition to allowing for input into the DSIPs, established
18 a productive working relationship between the utilities
19 and other parties, which will be key to the success of the
20 DSP in meeting the goals of REV.

21 As outlined in the supplemental DSIP, the
22 utilities proposed to continue engagement with
23 stakeholders in a number of key areas. The initial DSIPs,
24 filed June 30th, 2016, include details about each
25 utility's physical systems, system planning efforts,

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2 current tools, evolving practices, and five-year capital
3 plans. The initial DSIPs point out that the utilities are
4 already deploying or planning to deploy many of the
5 advanced technologies necessary for enabling core DSP
6 functions.

7 The plans were also a first step toward
8 providing customers and other parties with information
9 needed for identifying and characterizing near-term
10 opportunities for DER development in each utility's
11 elected distributed system.

12 The supplemental DSIP, filed November 1st,
13 2016, begins to identify the resources and tools necessary
14 for planning, implementing, and operating a modern grid
15 capable of managing distributed resources and supporting
16 retail markets, while operating safely and reliably.

17 In the supplemental DSIP, the joint
18 utilities built on information in the initial DSIPs by
19 describing at a high level their envisioned path and
20 framework for implementing their DSPs using a common
21 framework. According to the initial and supplemental
22 DSIPs, DSP development is progressing in several areas,
23 including tools and processes supporting DER
24 interconnection, advanced distribution monitoring control
25 and modeling capabilities, third party access to useful

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2 utility system data and customer energy data, coordination
3 between DSPs and the New York ISO and a readiness
4 framework for electric vehicles.

5 Comments were received from a wide range of
6 interested entities on both the initial and the
7 supplemental DSIPs. In general, while parties
8 acknowledged the progress made and the information
9 provided in the DSIPs, many commented that additional
10 activity was needed in particular areas. In particular,
11 some parties stated that the DSIPs did not provide
12 sufficient detail necessary for anticipating, monitoring,
13 and evaluating the utilities' progress toward DSP
14 implementation over the next few years.

15 The initial and supplemental DSIP filings
16 are the result of significant work and effort by the
17 utilities and interested stakeholders. However, there are
18 certain key activities for which further and quicker
19 action is needed by the utilities to facilitate timely DSP
20 development.

21 The first area is hosting capacity.
22 Hosting capacity describes the total DER output that a
23 part of the electric distribution system can reliably
24 accommodate without need for material upgrades to the
25 system. To enable DER in the near term, utilities need to

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2 identify those areas on the distribution system where
3 adequate hosting capacity exists and, therefore, DER can
4 interconnect at a lower cost and in a quicker timeframe.

5 Utilities must also focus on substantially
6 increasing the hosting capacity in many locations that are
7 otherwise suitable and attractive for siting DERs. As
8 part of its initial DSIP filing, each utility provided its
9 version of indicator maps that are meant to show those
10 parts of the distribution system that are most favorable
11 for interconnecting DERs. While this was a first attempt
12 at providing system information, the indicator maps fall
13 short of providing the useful information that hosting
14 capacity maps could provide.

15 In the supplemental DSIP, the joint
16 utilities describe a four-phase plan for developing their
17 hosting capacity analysis. The utilities' plan, employs a
18 methodology in modeling software, developed by the
19 Electric Power Research Institute, or EPRI, and with each
20 phase will produce increasingly complex and informative
21 results.

22 In the first phase, the utilities propose
23 to produce and publish hosting capacity data for one-half
24 of their distribution circuits by the end of 2017, and

25

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2 then the remaining half of their circuits by the end of
3 June 2018.

4 As the Commission has indicated,
5 previously, hosting capacity information is a critical
6 aspect in facilitating DER penetration and getting DER to
7 the right places on the distribution system. Utilities
8 must advance the capabilities for calculating and
9 presenting hosting capacity data as quickly as possible.
10 And while the phased approach is a reasonable approach,
11 the progress has been unacceptably slow and not supportive
12 of the industry's needs.

13 Furthermore, the utilities have not
14 provided sufficient details about their approaches to
15 prioritizing their hosting capacity evaluations.

16 Therefore, the draft order directs the
17 utilities to develop and publish hosting capacity analysis
18 for all circuits at and above 12 kV by October 1st, 2017.
19 Furthermore, the utilities need to make progress toward
20 providing hosting capacity data, not only on all of the
21 circuits, but the analysis needs to be dynamic so that it
22 provides the most useful information.

23 The next area addressed is related to
24 interconnection portals. The REV Track One order -- in
25 the REV Track One order, the Commission directed each

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2 utility to develop an online portal which DER developers
3 will use to apply for interconnection to the utility's
4 grid. In addition to automated processing of application,
5 the Track One order required that utilities' portal be
6 capable of automatically performing system impact studies
7 in order to issue a decision in a timely manner.

8 Furthermore, implementation of each
9 utility's portal was required by the time of the initial
10 DSIP filings. At the time of the initial DSIP filings,
11 none of the electric utilities had successfully
12 implemented a fully functioning portal as described in the
13 REV Track One order. However, each utility -- each
14 utility's initial DSIP provided some insight and
15 information as to the status of the efforts for each
16 utility.

17 To establish a scope and schedule for a
18 utility's portal efforts, Staff and the utilities engaged
19 EPRI to prepare a functional specification. The
20 supplemental DSIP filing states that the utilities are
21 adopting the report's recommended specifications and are
22 currently moving toward more consistent portal
23 functionality based on those specifications.

24 Again, while the utilities have made some
25 recent progress with the interconnection portal efforts,

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2 they have not made enough progress to date. To address
3 the utilities' limited progress in implementing their
4 interconnection portals, the order directs that the
5 utilities ensure that phase one level of portal
6 capabilities is fully implemented by no later than October
7 1st, 2017.

8 The next area addressed by the draft order
9 is non-wires alternatives, or NWAs. The guidance order
10 required utilities to describe, in their initial DSIPs,
11 specific areas where infrastructure upgrades are impending
12 or foreseen, and to indicate the potential for DERs to
13 address the forecasted system requirements at those
14 locations. In their initial DSIPs, each utility
15 identified a small number of locations for potential NWAs
16 based on previously proposed screening criteria intended
17 to identify which capital projects would be potential
18 candidates for NWAs.

19 In the BCA framework order, the Commission
20 rejected the utilities' proposed NWA screening criteria as
21 being too conservative. In the supplemental DSIP, the
22 utilities proposed a less conservative, common framework
23 for identifying and prioritizing NWA opportunities,
24 referred to as the NWA suitability criteria. The proposed
25 framework determines NWA suitability by looking at three

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2 elements, the type of infrastructure project, the required
3 timeline, and the project cost.

4 The utility subsequently filed utility-
5 specific versions of the NWA suitability criteria that
6 adapts this common framework to each utility's distinct
7 characteristics. While the proposed NWA suitability
8 criteria has the potential of broadening the pool of
9 projects for which NWAs will be considered, it is still
10 unclear how the suitability criteria will be incorporated
11 into the utility system planning procedures.

12 Additionally, the utilities have not indicated how and
13 when the criteria will be applied to projects in their
14 current capital plans and the procurement process for
15 obtaining additional NWAs.

16 To address the NWA shortcomings, the order
17 provides guidance in several areas and directs the
18 utilities to file revised utility-specific NWA criteria
19 and other specific information within 60 days.

20 The next topic addressed is privacy
21 standards for aggregated customer data. Just as provision
22 of system data is imperative to facilitating DERs,
23 provision of customer data is also important to enable
24 building owners, DER developers, and customers to make
25 informed investment decisions that improve energy

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2 efficiency and support other REV goals. However, while
3 significant benefits can be derived from customer data,
4 protecting customers' privacy is essential.

5 In the supplemental DSIP, the utilities
6 proposed a universal 15/15 privacy standards that would
7 keep customers' identities anonymous when aggregated sets
8 -- aggregated data sets are provided to third parties.
9 With this standard, an aggregated set of customer
10 consumption data may be shared without explicit approval
11 from each customer involved only if the data set contains
12 at least 15 customers with no single customer representing
13 more than 15% of the total load for the group.

14 The draft order accepts the utilities'
15 proposed use of a 15/15 privacy standard for most use
16 cases involving aggregated sets of customer consumption
17 data. However, the order also acknowledges concerns that,
18 in certain circumstances, the 15/15 standard might be more
19 conservative than necessary and could prove to be too
20 cumbersome and restrictive. To address those concerns,
21 the order directs each utility or utility data service to
22 track all requests for aggregated customer data and be
23 prepared to report on the number of requests that do not
24 clear the 15/15 standard. There are also legitimate
25 concerns that the 15/15 privacy standard would unduly

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2 hamper building energy management and benchmarking in
3 particular.

4 Therefore, the draft order directs the
5 utilities to work with staff and stakeholders to develop
6 an alternative approach and standard that addresses those
7 concerns and to submit that within 90 days.

8 Finally, with regard to the utilities' plan
9 for integrating energy storage, the supplemental DSIP
10 acknowledges that energy storage could play more than one
11 role in the future, including by increasing hosting
12 capacity. However, the utilities thus far have advanced a
13 limited number and variety of energy storage projects and
14 have provided little information on how they plan to
15 integrate the various forms and applications of storage on
16 a routine basis.

17 Energy storage will play a key role in
18 advancing the REV objectives as more and more renewables
19 are integrated into the grid and the utilities should help
20 facilitate energy storage on the grid.

21 Consequently, this order directs the
22 utilities to increase the scope and speed of their energy
23 storage efforts. Specifically, no later than by December
24 31st, 2018, each individual utility is directed to have
25 energy storage projects deployed and operating at no fewer

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2 than two separate distributions substations or feeders.

3 Furthermore, the utilities should strive to perform at

4 least two types of grid functions with deployed energy

5 storage resources such as increasing hosting capacity or

6 reducing peak load.

7 The utilities should collaborate to avoid

8 duplicative projects and ensure that they collectively

9 deploy the fullest range of available energy storage

10 technologies and applications that are potentially

11 productive in New York State.

12 In conclusion, the DSIPs -- the DSIP

13 filings clearly indicate that the utilities are making

14 progress toward developing the DSP. The near-term actions

15 required by the draft order are intended to promote more

16 timely implementation of necessary tools and dissemination

17 of critical information that will better facilitate DER

18 integration into the grid and further progress DSP

19 development.

20 And I'm happy to take any questions.

21 CHAIR ZIBELMAN: Okay. Thank you, Tammy.

22 You know, both this conversation and our

23 conversation about Value of D is, I think, really timely

24 because, you know, as we often talk about our motivations

25 around energy efficiency and clean energy, but there's

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2 also an entire economic development aspect of this that I
3 -- I think we need to be prepared for. And today -- and I
4 -- and I don't believe it's fake news -- Smart Grid
5 published a report that Navigant put together for the
6 Advanced Energy Economy, which -- which actually did a
7 study of the impact of the changes in the Advanced Energy
8 Economy. And I think it's -- it's really noteworthy
9 because it's -- the period they covered was for 2011 to
10 2016, so just a little bit of overlap with REV.

11 What they -- what they concluded is that,
12 as it stands today, the Advanced Energy Economy industry,
13 which includes clean energy as well as smart buildings, as
14 well as EDs, so anything that we normally talk about when
15 we talk about smart grid, is now worth \$200 billion in
16 U.S. and \$1.4 trillion worldwide. So it gives a sense of
17 how fast this is growing and why it's so important for New
18 York to lead in this direction, because not only does it
19 allow us to keep pace, but it, more importantly -- and
20 we're seeing this in a lot of the businesses that are
21 created in New York, it's a huge driver of economic
22 development. There are 300 -- 3 million jobs that have
23 been associated now that have been developed over the last
24 couple of years in this clean energy economy.

25

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2 So to put it in perspective, according to
3 the report, in 2016 revenue with clean energy was equal to
4 domestic pharmaceutical manufacturing. It approached
5 where we are on wholesale consumer electronics. And to
6 me, the most stunning aspect of this, it was nearly double
7 beer sales in the U.S.

8 So -- so the point here is -- is that, you
9 know, our -- you know, we started REV because we
10 understood that the technology wasn't the issue. It was
11 really that we needed to change the structure of managing
12 the industry. And that really important part of it was
13 that there were going to be a lot of things happening at
14 the distribution level that could make the system much
15 more efficient, and that utilities could take advantage of
16 the advancement in smart buildings, as well as other
17 distributed energy resource technologies, to run a system
18 that was much more dynamic and could really then become a
19 partner, but that we also knew it wasn't just going to
20 happen because people invested in things behind the meter.

21 We really needed a whole different approach
22 to designing and operating the distribution system so that
23 the distribution system integration planning process was
24 around both identification of what that new architecture
25

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2 needed to look like and then what was -- was a way to get
3 there.

4 You know, I think that the order does a
5 very nice job of identifying many of the things that are
6 going to be critical gating aspects to get the utilities
7 to a position where we're able to have the same kind of
8 situational awareness, control capability, the ability to
9 use distributed resources in a most effective way then
10 that we're going to need for the future.

11 And so things like hosting capability, to
12 me, are very important. I think the order talks about the
13 need for the utilities to really identify that road map.
14 I would like to take it to the next level. How do we use
15 these resources? How do we really create a transactional
16 grid? Understanding that we have to take this first step,
17 really understanding what we're going to need on -- to do
18 on a static basis before we can get to a dynamic basis.
19 But I hope, you know, we'll get there soon.

20 The other aspect, I think, of the order
21 around data sharing is continues to be a very important
22 aspect. We are simply not going to be able to get just
23 investment in this grid if people have to invest blindly.
24 They absolutely need to know where the right places are.
25 It's one thing to send price signals, but if they -- if

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2 they don't really understand where the needs are, they're
3 going to make the wrong decisions.

4 And so the Value of D order and the DSIP
5 order really need to go hand in hand, in terms of getting
6 third parties to put money at risk, that reduces the
7 burden on ratepayers, but it gives them the ability to
8 identify the best places to put those resources in. And
9 then I think getting that data sharing is -- is very
10 important.

11 Lastly, the issue of storage, that's also
12 addressed in the order. Without question, energy storage
13 is a very, very important part of our future. I did want
14 to note the same report talks about the fact that, in
15 2016, energy storage revenue went from -- grew 54%, so
16 it's now at \$427 million revenue in the U.S.

17 And EDs are also growing. You know, I've
18 talked to many people in this market. Certainly, Governor
19 Cuomo has made a huge commitment to charging stations and
20 we believe that electric vehicles have a big place in New
21 York's future and we can create a great industry around
22 that.

23 So all of this means that we really need to
24 get with it. I think that what this order does and the
25 DSIPs is accelerate and puts the right pressure on the

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2 utilities to -- to advance the ball further. I think
3 they've made good progress, but we need to make a lot more
4 progress, quickly, and the order points it in the right
5 direction.

6 Like the Value of D, I think that the DSIP
7 process is going to grow. As we have more third parties
8 in the market, they're going to put pressure on the
9 utilities to get more to help create the businesses. And
10 I think then with -- the utilities will get smarter about
11 serving those needs. So I think this all is working at
12 the -- at the right level. But for someone like me, it's
13 never fast enough but I think it's -- it's pretty darn
14 quick.

15 So with that, I intend to vote for the
16 order and will turn it over to Commissioner Sayre.

17 COMMISSIONER SAYRE: In my view of the
18 future of the distribution network, which may be subject
19 to change due to technological developments, the
20 distributed system platform is going to play a absolutely
21 key central role in the enabling and the dispatch and the
22 compensation of behind-the-meter distributed energy
23 resources.

24 For this model to work, the potential
25 players in the DER market need a lot of information to

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2 help them figure out how they can compete, where they can
3 compete, and how they can make money, which is, of course,
4 the American way.

5 The way we envision DER as being integrated
6 into the distribution networks is through the utilities'
7 distributed system implementation plans, the DSIPs that
8 are the subject of this order.

9 Some of the things that DER providers have
10 to know are where is it going to be difficult to deploy
11 these resources because of system constraints, where it's
12 going to be beneficial to deploy these resources because
13 of system needs, exactly how they're going to be
14 interfacing with the DSPs, how they can participate in the
15 utility sourcing of non-wires alternatives, and how we're
16 going to set the appropriate balance between giving the
17 DER providers the data they need and protecting consumer
18 privacy in their own individual data.

19 In response to our previous orders, the
20 utilities have, indeed, filed DSIPs and supplemental
21 DSIPs. This order determines that the marketplace needs
22 more information and provides direction to utilities on
23 what we need most immediately and when. It also
24 establishes a basic rule of how much aggregation of
25 consumer information will be required to anonymize

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2 individual customer information. But of course, customers
3 will always be free to release their own information to
4 anyone they choose.

5 The utilities and other stakeholders have
6 worked extremely hard on the DSIPs and supplemental DSIPs
7 and this order should not be taken as criticism of those
8 efforts. There are some extremely encouraging elements of
9 the DSIPs that lead us to believe we're going in the right
10 direct. I view this order as a supplement and not, by any
11 means, a change in direction. And I commend the utilities
12 and Staff and the stakeholders for the heavy lifting that
13 they've done so far.

14 There are a lot of details in this order,
15 but the two things that really jump out to me that I'd
16 like to highlight. First, we're directing a much more
17 granular level of information regarding the hosting
18 capacity of the network, as has always been explained.
19 And we're establishing due dates for the additional data.

20 We're also directing the utilities to work
21 with each other and adopt, to the extent possible, each
22 other's best practices. And among those, I'd call out
23 National Grid's online portal and interactive maps.

24 And second is the battery part of the
25 order. Every utility is directed to deploy, by the end of

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2 2018, at least two energy storage projects -- I guess it
3 doesn't need to be physical batteries, but it needs to be
4 energy storage -- at no fewer than two separate locations
5 and to perform at least two types of grid function, such
6 as increasing hosting capacity and peak load reduction.

7 And it should be noted that for the
8 utilities who are ahead of the curve, we will count
9 storage incorporated into non-wires alternatives and REV
10 demonstration projects as compliant with this requirement.

11 What we're addressing here is what we've
12 decided is needed right now. The order doesn't cover
13 everything in the DSIPs. It doesn't cover every issue
14 raised by the parties. But what it basically does is move
15 the ball forward another 10 year -- another 10 yards
16 toward the goal line.

17 In the future, we're going to be using that
18 fresh set of downs and you can expect us to continue to
19 refine the DSIPs as we go into the future. Thanks.

20 CHAIR ZIBELMAN: We're doing Australian
21 rules football.

22 COMMISSIONER BURMAN: So when I look at
23 this draft order, from my perspective the way I -- I kind
24 of look at it is that we had a directive to the utilities
25 to really do three types of filings. First was the

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2 planning timeline for the stakeholder engagement on the
3 DSIPs. Then the second was the initial individual DSIPs
4 to be filed. And then the third was the joint submission
5 of the DSIPs.

6 And so Staff has now looked at -- at it and
7 at -- at them and wanted to give clear guidance with
8 Commission approval of what that guidance was on some of
9 the items that were in the DSIPs.

10 It's not a blessing by the Staff of
11 everything that's in the DSIPs that's not discussed today
12 and it's not a blessing by the Commission of everything
13 that's in the DSIPs as all good, systems go. Nor is it a
14 -- you know, not being happy with what's being submitted.
15 But really at this point, it seemed that what was
16 necessary was clear established order that gives that
17 further guidance on five things.

18 And -- and like has been said, the first is
19 the hosting capacity, which was really just a specific,
20 not that they needed to do more. Then we have the
21 interconnection portals, again a specific, not that they
22 need to do more. The third was the non-wires alternatives
23 and giving some more meat on the bone to what that is and
24 focusing on -- on that aspect of it.

25

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2 The fourth was the aggregate data privacy,
3 which is different from the data sharing aspects. Those
4 are separate issues, though they're interrelated, but to
5 the extent that there is data privacy and needing to set
6 some clear standard there, and understanding that there is
7 some tension on what that standard, whether it's too
8 conservative of a standard, that's why we're going to take
9 comments on that shortly after to look at that.

10 And then the fifth, which is, I think, the
11 biggest, is on the energy storage, which is really a
12 directive to the utilities that they should do at least
13 two energy storage projects. In -- in my mind, that's
14 sort of the biggest part of this and the one that's the
15 most challenging because what that is or isn't may be
16 subject to debate.

17 There's -- the way I see it, and I look to
18 Mr. Worden or Ms. Mitchell to focus on in that the three
19 ways that a utility can look to do the energy storage as
20 envisioned in this order.

21 MR. WORDEN: So as you noticed, there's
22 three ways they can go forward with an energy storage
23 project. One of the ways is they could do it as part of a
24 demonstration project, which is something actually that
25 Con Edison is already pursuing. Those things, the demo

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2 process, is already well-established and the utilities all
3 know how to proceed within that. And it's all within the
4 framework of what's been set up previously.

5 The other way is through a non-wires
6 alternative. So you know, theoretically if they can find
7 an opportunity where they can avoid some distribution
8 infrastructure investment and they can use DER along with
9 energy storage to avoid that cost and they can do it
10 within the current budget what they have for their CapEx
11 budgets, they -- they can do it within that framework
12 that's already established in the rate -- rate case.

13 The third way would be as if they come up
14 with something that goes above and beyond either the NWA
15 or the demonstration projects, they could come back and
16 file a petition with the Commission for separate funding.

17 My personal preference is that it would be
18 an NWA process, something that they can learn and use to
19 defer some construction, but, you know, we may well see
20 other opportunities, as well.

21 I think we should keep in mind that we're
22 looking at this energy storage as a little bit of a kick
23 start to get all the utilities some baseline information
24 on using energy storage to help with their NWA work going
25

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2 forward and just learning how to integrate more DER into
3 the system.

4 COMMISSIONER BURMAN: Okay. We had had a
5 technical conference on energy storage back in May of
6 2016. A -- a separate proceeding, I believe, was opened
7 on that technical conference. I think it was an all-day
8 proceeding. I -- I don't believe that we have really put
9 a mark on what we're doing on energy storage until today.
10 So that this really is not about energy storage being a
11 potential critical valuable asset for ensuring that we
12 have sufficient reliability and also as it goes hand in
13 hand with the hosting capacity to really integrate and
14 potentially achieve a higher penetration of DER.

15 To the extent that energy storage and what
16 that specifically means is similar to a micro grid or
17 other things, right, that not everybody is necessarily on
18 the same page of what that means and exactly who should be
19 involved in it and how it should link. So I just do
20 caution that we do -- while energy storage is a vital
21 asset, we do need to look carefully at how that is
22 integrated into the system and to the extent of how we
23 really look at the different issues, especially as it
24 relates to capacity constraints and the demands on the
25 system, as well as other players in the market that may be

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2 looking at other things that they're doing that ties into
3 with energy storage.

4 So I do, you know, caution that we really
5 need to keep a careful eye and look at the different
6 issues and the lessons learned from that while we're going
7 through it, and make sure that we stick to the framework
8 of this in the distribution system.

9 You know, the FERC has a NOPR on energy
10 storage, and how DER in the distribution market fits and
11 aligns with the wholesale market is something that's very
12 important. So to the extent that this energy storage is
13 not about the wholesale market, but to the extent that,
14 like with the Value D, the integration of these emerging
15 DERs and how they interconnect is, I think, very
16 important.

17 And we need to make sure that we work
18 carefully through those challenges and also work with the
19 parties that are involved in energy storage and other
20 things that will interconnect because the most important
21 thing, from my perspective, is the reliability and
22 resiliency of our systems and making sure that we are
23 carefully planning, you know, working with the ISO, as
24 well as others, state energy planning that might -- that
25 needs to happen, as well as the state resource plan, I

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2 think are all very -- very important. And we need to, you
3 know, be careful on that.

4 As it relates to being in a REV demo, I
5 also am cautious in terms of making sure that we are
6 carefully looking at it, incorporating and coming to the
7 Commission, as necessary and as appropriate, to carefully
8 get specific Commission direction on aspects of it, and
9 that we don't move them inappropriately into a REV demo.
10 And to the extent that it can be done within the CapEx
11 funding, as well, I think is important to -- to try to
12 look at.

13 So thank you.

14 CHAIR ZIBELMAN: Thank you, Commissioner
15 Burman.

16 Do you have anything further?

17 So I do -- I do want to pick up on -- on
18 your comment, though, about their -- the relationship
19 between hosting capability and energy storage. You know,
20 I -- I agree with you that the two are highly
21 interrelated. And one of the things that I think is -- is
22 very important is for the utilities to -- to truly
23 understand how they can use fast responding storage, the
24 storage which is multiple flavors, I mean, geothermal
25

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2 storage is certainly very important as we consider to look
3 at other forms of storage like fuel cells, et cetera.

4 But particularly when it comes to battery
5 storage and how utilities might want to deploy battery
6 storage or could deploy battery storage to increase the
7 value of clean energy, particularly solar and wind, on
8 their system both on the high side and behind the meter, I
9 think is very important. And while the demos are around
10 business models on how the utilities might want to
11 innovate on business models, I think the DSIPs are more
12 about technology deployment.

13 And I -- and I concur with Mike's
14 observation that, really, what we want to start trying to
15 understand is how storage can be used to avoid other types
16 or complement other types of investment on the system.
17 And I -- I don't think there's any other way to learn that
18 and -- except doing it. And so the intent here, from my
19 perspective, is to give all the utilities the experience,
20 both not just in working with storage companies, but how
21 storage can be used so that the control system operators
22 actually see it on the grid and get a better understanding
23 of how it might -- might work. And that, to us, then will
24 from there be a lot smarter in how we can deploy it and in
25 what business models make the most sense, but it really is

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2 going to take some experience. And I think that the order
3 really recognizes that piece of it.

4 Certainly, we can learn from other states
5 in this direction where utilities have had experienced
6 with storage are -- are now able to see, much more
7 quickly, just where it couldn't come up with a solution,
8 where before they might have chosen something else, simply
9 because they were uncertain about how it would actually
10 operate. So -- so with that, I think it's -- it's a very
11 important piece and -- to tie those two. And I am ready
12 to move to a vote. And I'm on cold medicine, so, you
13 know, you have to excuse me. I may not remember what I
14 said five seconds ago.

15 So Item Number 202, which is in the Matter
16 of the Distribution System Implementation Plan, all those
17 in favor of the recommendation to direct the filings
18 related to the DSIPs as described, please indicate by
19 saying aye?

20 COMMISSIONER SAYRE: Aye.

21 COMMISSIONER BURMAN: And I concur based on
22 my comments at session and past voting history.

23 CHAIR ZIBELMAN: Okay. And I say aye, as
24 well. So hearing no opposition, there being none, the
25 recommendations are adopted.

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2 I'm finally getting it from my last
3 session, Paul.

4 So third item for discussion is Item 201,
5 and that relates to the Interconnection Earnings
6 Adjustment Mechanism. Mike Worden is going to be
7 presenting that today.

8 And oh, before I move on to that, I did
9 want to -- one thing. You know, the DSIP filings are very
10 voluminous and they're very technical. I don't think
11 while we're sort of -- we're describing how we want to
12 move forward. I do want to recognize the work of the OEGW
13 staff in looking at those, working with utilities,
14 digesting them, and helping identify a path forward. I
15 think you guys did a great job on these. I know there's a
16 lot of people involved and this is a first time through
17 for us to look at these filings. So it's -- Tammy and
18 your team has done a terrific job. So thank you.

19 MS. MITCHELL: Thank you.

20 CHAIR ZIBELMAN: Mike, should we just move
21 to the EAMs? Is that you or --

22 MR. WORDEN: That's me.

23 CHAIR ZIBELMAN: -- Marco?

24 MR. WORDEN: Is that all right?

25

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2 CHAIR ZIBELMAN: Look like you were trying
3 to pass it to Marco for a few second.

4 MR. WORDEN: No. Not -- not Marco.

5 I would like to -- if I can indulge you, I
6 would like to say that the work on the DSIPs was a multi-
7 office experience and they had quite a team together going
8 through these things. They were voluminous and a lot of
9 work went into it besides my staff, as well. So I
10 appreciate the work --

11 CHAIR ZIBELMAN: Thanks.

12 MR. WORDEN: -- work from the other
13 offices.

14 CHAIR ZIBELMAN: Thanks, Mike.

15 MR. WORDEN: So Item 201 is the
16 Interconnection Earnings Adjustment Mechanism. And so
17 this is your -- your last regular item before this
18 Commission. And I can only assume I'm doing it because
19 you wanted to finish on a high note.

20 CHAIR ZIBELMAN: That's right. I'm with
21 you.

22 MR. WORDEN: So there you go. So the Track
23 Two order, back in May 19th, 2016, laid out a regulatory
24 and ratemaking framework for moving the REV process
25 forward. One of the key elements of that order was the

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2 introduction of earnings adjustment mechanisms intended to
3 drive utility performance going forward through a diverse,
4 balanced set of incentives.

5 There are four categories of outcome-based
6 incentives discussed in that order, system efficiency,
7 energy efficiency, consumer engagement, and
8 interconnection.

9 So interconnection EAM, you know, why are
10 we doing that right now? I think that was a priority at
11 the time because of the -- the issues we were having last
12 spring, which you are all well aware of regarding DG
13 applications, the timing of them, the number of them
14 caused by Scott, in my opinion.

15 MR. WEINER: There's more to come.

16 MR. WORDEN: And there's more to come.

17 But, you know, we had some issues. We've
18 talked about them before. Not to diminish, the Commission
19 actually had some very positive policies that are put
20 forth, but it created a stress on utility system for
21 processing the applications.

22 So there's three specific components
23 identified in the Track Two order for the interconnection
24 EAM. The first is that the utilities would have to meet
25

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2 Commission S.I.R, or standardized interconnection
3 requirements to be eligible for an EAM.

4 The second was to develop an
5 interconnection survey. This survey was going to be the
6 key element in deciding and evaluating whether the
7 utilities were doing a good job. And there was a third
8 element for an analysis of failed applications. So the
9 utilities were directed to file specifics for the
10 interconnection EAMs.

11 So I'd like to make a couple of
12 observations about EAMs a little more generalized first.
13 The interconnections had an earlier deadline, as I
14 mentioned, because of the processing of DG applications.
15 We've done a number of things and I won't go through the
16 whole litany. There is literally a litany of things we've
17 been doing to work on those things. But we created, at
18 the chair's direction, the interconnection technical
19 working group, the interconnection policy working group,
20 and we created an ombudsman position both at the
21 Department and at NYSERDA.

22 Those processes have really been very
23 positive in terms of getting developers and the utilities
24 in the same room to work through some of the issues. We
25 had the recent queuing order, which, with the Value of D

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2 order, is now going to allow us to reset a lot of the
3 queues where we have interconnection processes kind of
4 stacked up at this time. And they're just waiting so that
5 they can now move forward and we can decide which projects
6 really are going to end up getting built and which ones
7 aren't.

8 So I want to point out, as well, that
9 there's a lot of interest by various parties in the
10 development of EAMs, not only with regards to
11 interconnection, but other EAMs. The first EAM, so this
12 is not the first time you've taken action regarding EAMs.
13 Besides the policy order, the Con Edison rate case
14 developed the first set of actual EAMs, which you voted on
15 in January. And so, you know, I'd like to tell people
16 when we talk about those EAMs as they're -- they're kind
17 of like the second starting point for EAMs. The first
18 starting point obviously was the policy order. The second
19 starting point was the Con Ed rate case. But that's not
20 the be-all, end-all.

21 And this continues to be an area not only
22 for interconnection, but other EAMs that we need to
23 continue to work forward. So stepping back to the
24 interconnection EAM, the utilities made their filing on
25 September 2nd, 2016. It offered, really, in my mind, a

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2 framework and a process for creating and applying the
3 interconnection EAM. It was based entirely on completed
4 applications, so in order to be part of the process an
5 application would have to be complete, meaning the process
6 -- the -- the project would have to be in service.

7 They recommended going through a baseline
8 and a testing process to develop questions which were, you
9 know, the appropriate questions to use going forward. And
10 they also recommended a 50kW minimum as was directed in
11 the Commission order.

12 So we received comments, principally from
13 New York City. And they really highlighted three
14 particular comments -- sets of comments. First is they
15 thought that we should be addressing more than just the
16 projects that were above 50kW. Second, they felt like it
17 needed more developer input. And third, they needed to
18 use more than just completed applications.

19 So in this order the first thing I will say
20 and mention is that we recommend that you stick with the
21 50kW limit. And the reason for that is the -- the issues
22 we've been having with regards to processing applications
23 had everything to do with the projects above 50kW, in
24 fact, mostly above 300kW, up to 2 megawatts. That's
25 really the area that was -- was more problematic. And

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2 those are more difficult applications. They require a lot
3 more energy -- engineering analysis. Projects under 50kW
4 are largely processed much like you could put in an
5 application to get a service at your house. And they are
6 working very well.

7 Staff does monitor this stuff on a monthly
8 basis. If we find that there are issues regarding the
9 less than 50kW ones, we would certainly come back to you
10 and recommend further action.

11 So what the order before you recommends is
12 that we modify the JU's proposed incentive to reiterate
13 and make very clear that the SIR guidelines or
14 requirements from the Commission are a threshold. They're
15 not going to be subject to incentives. So we shouldn't
16 incent utilities for complying with Commission orders. It
17 seems pretty straightforward, but this -- it just keeps
18 coming up. And it came up so many times, we just thought
19 it was best to reiterate that point.

20 The order also directs the JU, the joint
21 utilities to have a proposal for a midpoint survey in
22 their revised filing so that DG developers who are going
23 through some of the early parts of the process are able to
24 provide input as to how the process is working for them.

25

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2 It also clarifies that there will be --
3 sets the statewide framework. So the idea here is there's
4 going to be a baseline statewide and then there can be
5 unique attributes or aspects that apply to a given utility
6 territory. But there would be a base starting point for -
7 - for the entire state.

8 And then, finally, it -- it orders the --
9 it directs the utilities to review and collect data
10 regarding failed, withdrawn, or abandoned applications.
11 Now the -- we -- we think at this time, the way the Track
12 Two order was written originally, that would be part of
13 the EAM where they could potentially earn money associated
14 with that. We think, until they work through this queuing
15 process with the number of applications that are going to
16 get kicked out, that we think they just need to do an
17 analysis of that, learn from what happened during this
18 process, during this kind of interim time period with --
19 with this re-queuing, restacking of the queue, and all
20 that kind of stuff, do a full evaluation because there're
21 definitely lessons to be learned here. And then we will
22 revisit the question of whether failed applications should
23 be part of it, a formal EAM going forward.

24 So those are really the highlights of what
25 we're doing today. And I'm happy to take any questions.

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2 CHAIR ZIBELMAN: Thanks, Mike. So the --
3 the way the -- the order contemplates this is the next
4 step but that, I assume, the chapter's not closed. We
5 would expect to see additional work on this --

6 MR. WORDEN: So --.

7 CHAIR ZIBELMAN: -- on this new mechanism.

8 MR. WORDEN: Yes. I neglected to say we
9 expect the order requires the utilities to make a joint
10 filing in 60 days. And then what'll happen is it will
11 start getting integrated into individual rate proceedings
12 or parts of rate proceedings.

13 Con Edison has established a collaborative
14 within its -- its rate case that was approved by you. And
15 that requires them to come back with a proposal. That
16 actual proposal will come back for the Commission before
17 it's fully implemented. So it will be part of a process,
18 going forward.

19 CHAIR ZIBELMAN: So you know, in -- in --
20 that when we established, in the Track Two order, that we
21 would have an incentive mechanism around interconnection,
22 it really wasn't just about process and compliant process.
23 So I certainly concur with your observation that there
24 wasn't -- never -- at least my intent and I don't think
25

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2 it's clear in the order that we were never looking to
3 incent utilities just to comply with standards.

4 The real intent here around the
5 interconnection is about the fact that, in going forward
6 in the future creating this platform is it's two-way, and
7 that the utilities ought to think about distributed energy
8 resources as consumers -- customers -- not consumers, but
9 customers, and that ought to be as they are with respect
10 to any company and its customer, finding ways to exceed
11 that customer's expectation, and with the view that if a
12 utility can become an attractive market for distributed
13 energy resource providers to want to participate in that
14 market, that benefits end-use customers because the
15 utilities are enabling that market to develop.

16 And so the -- the mechanism is really a way
17 for utilities to see that they are satisfying the customer
18 so that the DER provider is not a competitor to the
19 utility, but actually someone that the utilities care
20 about and they want to attract to the market.

21 So I -- certainly measuring time for
22 interconnection and things like that are important. I
23 think, moving forward, it's going to be equally important
24 that utilities understand what a DER provider will need to
25 facilitate their business to get the cost of doing certain

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2 business down and that, just as any other business wants
3 to satisfy their customers, that the utilities will see
4 these as customers that they want to get high marks of
5 approval from.

6 So I'm hoping that, you know, this is, I
7 think, a good start for -- for where we're trying to drive
8 this and to really try to change this business model. And
9 I think it's important to -- to continually reinforce that
10 we're -- are creating a change in the business such that
11 DER providers are truly customers of the utility and that
12 the utility wants to attract them to their service areas.

13 So with that, I -- I'm going to vote for
14 the order and I'll be watching in the future to see how
15 all this develops.

16 Thank you.

17 COMMISSIONER SAYRE: We'll endeavor to give
18 Australia a good lesson.

19 In -- in our REV Track Two order, we've --
20 we explained that we were -- we are going to be
21 increasingly implementing our REV principles in the course
22 of individual utility rate cases and -- and taking steps
23 to incorporate these outcome-based earnings mechanisms,
24 rather than relying on the nearly 100-year-old rate-of-
25

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2 return model, at least as an exclusive way of setting
3 rates.

4 So this order is part of that transition.

5 We will it -- it sets out an example of how
6 we would like to see these mechanisms work in future rate
7 cases. Under the mechanisms, we'll increasingly be
8 establishing REV-like outcomes that we expect the
9 utilities to achieve and we'll be prepared to give them a
10 carrot if they beat our expectations and ultimately give
11 them a stick if they miss them.

12 These EAMs have to be carefully crafted, of
13 course, to meet the situation of each utility and each
14 rate case, but we are able to set some guidelines that we
15 want to apply statewide and that's what we're doing in
16 this order for one category of EAMs, the interconnection
17 of distributed generation resources.

18 You've already heard the specifics of the
19 order from Mr. Worden and Chair Zibelman, and I won't go
20 into those. But I think it's -- it's sufficient for me to
21 say that we're starting down what is going to be a long
22 and productive road of reforming our rate case process, to
23 provide incentives, to achieve desired results in the form
24 of outcome improvements compared to the way we set rates
25 now.

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2 And for that reason, I'm very happy to
3 support the order.

4 CHAIR ZIBELMAN: Thank you.

5 Commissioner Burman?

6 COMMISSIONER BURMAN: I really have no
7 comments. I -- I want to just say that I'm glad that the
8 process has been and continues to be fine-tuned as
9 necessary, and that I think this is an attempt to do that
10 and continue to work on that.

11 So I'm supportive. Thank you.

12 CHAIR ZIBELMAN: Thank you.

13 So let's move to a vote.

14 All those -- and by the way, this is my
15 last vote on a regular agenda.

16 All those in favor of the recommendation to
17 direct filings related to interconnection earnings
18 adjustment mechanisms as described, please indicate by
19 saying aye.

20 COMMISSIONER SAYRE: Aye.

21 COMMISSIONER BURMAN: Aye.

22 CHAIR ZIBELMAN: Aye. All three. We
23 should just continue like this.

24 COMMISSIONER BURMAN: Let's move along.

25

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2 CHAIR ZIBELMAN: There being no opposition,
3 the recommendations are adopted. Thank you.

4 I know. I was just relishing the moment.
5 It is the cold medicine. But I'm down to my last cough
6 drop, so I better move along.

7 We're going to move to the consent agenda.
8 Do any of the commissioners want to recuse from voting on
9 any of the items on the consent agenda?

10 COMMISSIONER SAYRE: No.

11 CHAIR ZIBELMAN: Okay. And any comments or
12 questions on the consent agenda?

13 Commissioner Burman?

14 COMMISSIONER BURMAN: So I just have one
15 comment on Item 372, the Community Net Metering item which
16 seeks to look at the 10-member requirement and waive that
17 requirement. We're waiving it in very limited fashion to
18 properties that have multiple residential units, but for
19 all others it remains as the 10-member requirement.

20 There was concern that the -- this 10-
21 member requirement was a barrier and obstacle to expanding
22 onsite solar and -- and was preventing access to
23 opportunities, especially in the urban area and the low-
24 and moderate-income area.

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2 To the extent that, you know, I did not
3 vote for the original item, I focused on here on whether
4 or not it was appropriate to move from a 10-member
5 requirement, which I had concerns on initially that that
6 might be a barrier to now lower. So to the extent that I
7 also am concerned about whether that -- that 10-member
8 requirement was too low and what we were actually doing
9 with that, I -- you know, I have struggled with what that
10 means for this item.

11 I did look at there was a low-income
12 collaborative that was done based on the community DG
13 order. And it didn't address this issue, in particular.
14 It was focused on looking at what the barriers were. This
15 came out through the phase one process of the order, which
16 was supposed to look at helping for 20% towards community
17 DG for low income.

18 So I -- I am in favor of the item to the
19 extent that there is concern that this is a barrier. I am
20 concerned that this is not necessarily a barrier. And
21 that this may also present some other challenges.
22 However, since in the Value D order, we recognize the need
23 for the low-income collaborative in some fashion to
24 continue, and my comments really are focused more on
25 making sure this does not fall away, and that to the

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2 extent that people did spend a lot of time on the low-
3 income collaborative, drilling down on issues and the need
4 to make sure that when we are looking at all different
5 issues, that we try to align and take all of the work and
6 not forget about it.

7 So that's all.

8 CHAIR ZIBELMAN: Okay. Thank you.

9 So now we'll move to a vote. Thanks for
10 your comments.

11 All those in favor of the recommendations
12 on the consent agenda, please indicate by saying aye?

13 COMMISSIONER SAYRE: Aye.

14 COMMISSIONER BURMAN: Aye.

15 CHAIR ZIBELMAN: Aye.

16 Opposed?

17 Hearing no opposition or there being none,
18 the recommendations are adopted. Thank you.

19 Okay. Before I -- before we close today,
20 it's obvious this is my last session. And I -- actually,
21 one of the things I'd like to do, because there's been a
22 lot of questions about this, is what does it mean when the
23 Commission moves down to two members? So I did ask our
24 general counsel, Paul, to maybe provide us and everybody a
25 quick briefing on his -- his review of that.

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2 Thanks, Paul. Please go ahead.

3 MR. AGRESTA: Okay. Thank you.

4 All right. So let's begin with the Public
5 Service Law authorizes a full membership of five members
6 for the Public Service Commission. There is a general law
7 in effect. It's called Section 41 of the General
8 Construction Law. And that law would ordinarily require
9 that there be a majority of the whole number of five
10 members to constitute a quorum. So if you do the math on
11 that, a majority of five equals three.

12 So if you applied the general law, you
13 would need quorum of three people.

14 But six years after the general law was
15 enacted, it was identified that applying that law to the
16 Public Service Commission could be a problem and have
17 crippling effects because the Commission has many
18 important functions that are time sensitive.

19 So the Public Service Law was amended to
20 provide a special exception, so that for the Commission a
21 quorum is measured by a majority of the duly appointed
22 commissioners. So we currently have three duly appointed
23 commissioners. Therefore, a majority of three is two, if
24 you do the math.

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2 And upon the departure of Chair Zibelman,
3 the Commission will have two duly appointed and highly
4 experienced commissioners. And if you do the math there,
5 a majority of two is two. So it will be necessary for
6 both remaining commissioners to both vote in the
7 affirmative to do -- to take any action.

8 The only problem, going forward, is that
9 there will be no opportunity for a recusal in the
10 Commission taking action on an item. But other than that,
11 as long as the two agree, the Commission will be able to
12 function.

13 Any questions?

14 COMMISSIONER BURMAN: I thank you for that.
15 I do know that there is -- that's -- as our -- the counsel
16 to the Commission, that's the counsel's position. And I
17 do know that there is some uncertainty on that from
18 others.

19 So to the extent that that's, you know,
20 helpful information, I -- I appreciate it. And I do hope
21 that this is a short transition.

22 MR. AGRESTA: Okay. And the people who
23 have uncertainty, I'm sure have not read the legislative
24 history. It makes it very clear in the memos that were
25

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2 part of the bill jacket that this was the intent of the
3 special exception.

4 So I don't have the least bit of concern
5 about how we're going to apply this.

6 CHAIR ZIBELMAN: I certainly have
7 confidence in your opinion, although I would say that if
8 you were in private practice you would have probably said
9 that the majority of five is four, or something like that,
10 just to add the moment -- minutes that you get to bill.

11 So -- so with that, first of all, I -- I --
12 as many of you probably have seen, Governor Cuomo has --
13 has asked Commissioner Sayre to become the interim chair
14 of the Commission, which I'm assuming you accepted.

15 COMMISSIONER SAYRE: If not previously
16 stated, yes, I do.

17 CHAIR ZIBELMAN: Okay. So this is my last
18 day, and this time next week, I will be looking out at the
19 Yarra River in Melbourne and thinking about you guys,
20 although I'll be thinking about you tomorrow because it
21 will be tomorrow by the time you get to today. But I will
22 be thinking about you and I will be missing you greatly.

23 And so I am going to hand the gavel over to
24 Chairman Sayre to close the meeting.

25

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2 INTERIM CHAIR SAYRE: Well, we're not going
3 to close it immediately. I have a few remarks to make and
4 -- and a few things to offer.

5 Thank you very much, Chair Zibelman. It's
6 been my -- my pleasure and honor to serve with you. And
7 it's my honor and privilege to be named to serve as
8 Interim Chair.

9 Thanks to your tenacious leadership, this
10 Commission has somehow been able to put into place all of
11 the fundamental building blocks necessary for the
12 implementation of REV. I could name all of these orders
13 and initiatives and actions under REV, but I decided not
14 to ask the Staff to compile them because you would miss
15 your flight to Australia, if I did.

16 Changing the basic model of energy in New
17 York has also meant changing the way we approach energy
18 regulation and the creation of REV for the past three
19 years. We've done 15 or more -- I think it's more -- REV-
20 related proceedings. We've undertaken them, nearly all
21 simultaneously, and that's been a marvel of organizational
22 and managerial skill on your part.

23 New York has benefited from your extensive
24 knowledge and your world class credentials as an expert in
25 energy policy. And we've been blessed by your enthusiasm

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2 for what would otherwise -- what anyone would recognize as
3 an absolutely monumental task.

4 Chair Zibelman has taken the message of REV
5 across the country, while keeping all of the pieces of REV
6 moving forward. The Staff has responded magnificently.

7 And I know you and the rest of us appreciate all the work
8 that has brought us here today.

9 And though we won't have you as leader and
10 chair of the Public Service Commission, our work
11 continues. The full implementation and further refinement
12 of REV lies before us, promising new markets and new
13 opportunities for energy savings here in New York and the
14 benefits that will come from a trans active grid focused
15 on the consumer and the jobs that we can create and
16 distributed energy resources and a clean green economy.

17 The word legacy is perhaps too often used
18 to describe personal and professional accomplishments, but
19 a legacy is exactly what you are leaving to the State of
20 New York. And I am proud to have been a part of it. As
21 interim chair, I look forward to continuing this great
22 work.

23 In my first action as an interim chair, I
24 would like to introduce a resolution that expresses our
25 appreciation and gratitude for your dedication,

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2 inspiration, vision, and leadership that you graced us
3 with during your tenure as chair.

4 INTERIM CHAIR SAYRE: This one might fit
5 into an overhead bin. The next one won't.

6 MS. ZIBELMAN: Oh, thank you.

7 INTERIM CHAIR SAYRE: I move to have this
8 resolution included into the record in full, but I'm going
9 to summarize it right now.

10 Whereas, Audrey Zibelman was confirmed as
11 Commissioner in June 2013 and has served as Chair and
12 C.E.O. of the Department of Public Service since September
13 3, 2013, with great distinction; and

14 Whereas Chair Zibelman has put her
15 extensive expertise to work for New Yorkers, drawing on
16 three decades of experience across the utility industry;
17 and

18 Whereas Chair Zibelman led the
19 groundbreaking work of this Commission to transform the
20 retail electric industry through its Reforming the Energy
21 Proceeding to provide New York consumers with cleaner,
22 more renewable, resilient, reliable, and affordable
23 electric service; and

24 Whereas this Commission has issued
25 approximately 2,400 orders under her leadership, which

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2 have included landmark decisions, establishing a statewide
3 program to make energy more affordable for low-income
4 consumers, the adoption of the Clean Energy Standard, to
5 promote clean and renewable energy resources, achieving
6 significant benefits for New York customers as conditions
7 to major telecommunications company mergers, strengthening
8 natural gas safety through enforcement actions by the
9 Department and the Commission, and championing water
10 conservation alternatives, in addition to all of the
11 transformational decisions in Reforming the Energy Vision;

12 Whereas, Chair Zibelman inspired historic
13 levels of public participation and stakeholder
14 collaboration in the work of the Department, as evidenced
15 by 99,455 public comments and 81,903 documents filed with
16 the Commission during her tenure, numerous public forums
17 and technical conferences, including a joint conference
18 with the Federal Energy Regulatory Commission on matters
19 of mutual interest regarding New York energy
20 infrastructure and markets; and

21 Whereas, Chair Zibelman has been widely
22 recognized for her leadership and innovation, as
23 demonstrated by the many accolades she has received
24 including Policymaker of the Year by Utility Dive in 2016;
25 the top 10 most influential leaders in the electric

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2 industry since 1990, by the Public Utilities Fortnightly,
3 again in 2016; and the Demand Response and Smart Great
4 Leadership Award in 2014, among several others; and

5 Whereas, Chair Zibelman has challenged and
6 inspired Department Staff through her strong and
7 thoughtful leadership, mixed with good humor and
8 compassion, and shall be dearly missed by all those who
9 worked with her, who will continue the work that she began
10 as she embarks down under to transform a continent;

11 It is resolved that the New York State
12 Public Service Commission expresses its deepest
13 appreciation to Audrey Zibelman for her leadership as
14 Chair of this Commission, Chief Executive Officer of the
15 Department, and her faithful service to the citizens of
16 the State of New York, as demonstrated by her unwavering
17 commitment to the mission of the Commission to ensure
18 safe, secure, and reliable access to electric, gas, steam,
19 telecommunications, and water services for all of New
20 York's residential and business consumers.

21 I would call for a vote on the
22 incorporation of that resolution into the record.

23 COMMISSIONER BURMAN: All in favor?

24 INTERIM CHAIR SAYRE: Aye.

25

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2 And wait; there's more. This one will not
3 go into the overhead bin.

4 MS. ZIBELMAN: Wow. What's that?

5 INTERIM CHAIR SAYRE: NARUC.

6 MS. ZIBELMAN: Oh, wow.

7 INTERIM CHAIR SAYRE: I have a second
8 resolution to offer into the record. This is a resolution
9 adopted by the Board of Directors of the National
10 Association of Regulatory Utility Commissioners, otherwise
11 NARUC. I move that it be incorporated into the record in
12 full and I will, again, hit some of the high points.

13 Whereas, Audrey Zibelman was confirmed as
14 Commissioner of the New York Public Service Commission in
15 June 2013; and

16 Whereas Audrey Zibelman is most recognized
17 internationally as a leader in creating greater value for
18 consumers through the transactive grid during her tenure
19 at the New York PSC, she was instrumental in her role as
20 Chair with New York Governor Andrew M. Cuomo's enactment
21 of Reforming the Energy Vision plan. The REV plan has
22 been recognized for its vision in seeking to transform the
23 electric grid by successfully developing and implementing
24 21st Century regulatory reform with a steadfast focus on
25

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2 lowering the cost of energy for consumers while building a
3 more resilient and reliable power system; and

4 Whereas, Audrey Zibelman's focus on
5 improving the electric grid for the benefit of a community
6 can be traced to her two years in the Peace Corps in the
7 late 1970s where she worked in a village in Chad that had
8 no electricity. Audrey saw firsthand how the lack of
9 power exacerbated poverty and was thereafter dedicated to
10 helping to be a part of positively transforming the energy
11 world; and

12 Whereas, a signature cornerstone of the REV
13 plan under Audrey's tenure has been centered on how to
14 work collaboratively with all stakeholders to improve New
15 York's energy grid and find creative and innovative
16 solutions; and

17 Whereas Audrey Zibelman has been recognized
18 by her peers as a national and international expert in
19 energy policy, markets, and smart grid innovation; and

20 Whereas, Audrey Zibelman was known for
21 dedicating her time, energy, and expertise to help promote
22 REV discussions throughout the United States and
23 internationally. Her contributions and visionary insights
24 helped propel other similar REV actions outside New York.
25 And as one of the architects of REV, Audrey Zibelman was

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2 called upon to participate in countless national
3 conversations on these issues to provide the regulatory
4 perspective; and

5 Whereas, Audrey Zibelman will be greatly
6 missed by the Committee on electricity and her NARUC and
7 Mid-Atlantic Conference of Regulatory Utilities
8 Commissioners colleagues who are honored to have served
9 with her as she zealously advanced her vision for the
10 energy of the future with passion and hard work; now,
11 therefore, be it

12 Resolved that the Board of Directors of the
13 National Association of Regulatory Utility Commissioners
14 convened at its 2017 Winter Committee meetings in
15 Washington D.C., extends and expresses its deepest and
16 sincere appreciation and gratitude to Audrey Zibelman for
17 her dedicated years of public service in advancing her
18 vision for the energy of the future, and conveys to her
19 its best wishes in all of her future endeavors, both
20 professionally and personally.

21 I move the incorporation in full of this
22 resolution into the record.

23 I vote aye. So be it.

24 Now, I'm done.

25 MS. ZIBELMAN: Thank you.

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2 COMMISSIONER BURMAN: I'd like to be --
3 before we -- I'd like to be recognized -- I'd like to be
4 recognized, Chair Sayre, to say a few words?

5 INTERIM CHAIR SAYRE: Fire away.

6 COMMISSIONER BURMAN: Okay. Thanks.

7 Before we look backwards -- before we look
8 forward, I think we need to look backwards. And in 2007 -
9 - and don't worry I won't go through the whole history,
10 but in 2007, Governor Hughes succeeded in obtaining
11 historic passage of legislation, creating the Public
12 Service Commission of New York State. And thus, the
13 complex and often unpopular job of utility regulation was
14 delegated.

15 MR. AGRESTA: I think you meant 1907.

16 COMMISSIONER BURMAN: 1907. What did I
17 say?

18 MR. AGRESTA: 2007.

19 COMMISSIONER BURMAN: Oh, all right.

20 MS. ZIBELMAN: It was a short and
21 illustrious history.

22 COMMISSIONER BURMAN: It was a short --
23 yeah. Let me start over. Thank you, Paul.

24

25

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2 In 2007, Governor Hughes succeeded in
3 obtaining the passage of legislation creating the Public
4 Service -- did I say it again?

5 FROM THE FLOOR: Yes.

6 MS. ZIBELMAN: It's my **8:35.

7 COMMISSIONER BURMAN: It was a -- it was a
8 joke.

9 In 1907, anyway, the system of utility
10 regulation established in New York was eventually adopted,
11 nationally. And now in 2017, we, as the Commission,
12 celebrate our 110th anniversary, truly is historic. In
13 1907, as now, the Public Service Commission's fundamental
14 responsibility was to safeguard the public interest and
15 utility services essential both to the welfare of our
16 citizens and the economy of our state.

17 Ultimately, the Commission is responsible
18 for ensuring that these essential and necessary services
19 are available in whatever quantities are necessary to meet
20 all residential, commercial, and industrial demands, now
21 and in the future, as well as ensuring that they are
22 provided efficiently and at reasonable cost.

23 The Department of Public Service is the
24 staff arm for the Public Service Commission. The
25 Commission regulates the electric, gas, steam,

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2 telecommunications, cable, and water utilities in New York
3 State. It has a broad mandate to ensure that consumers
4 receive safe and reliable utility service at reasonable
5 rates and with the least adverse effects upon the
6 environment.

7 The critical importance of the Commission's
8 mission to the economic wellbeing of the state and its
9 citizens cannot be overstated. The Commission stands at
10 the intersection of the public need for virtually
11 essential services and the private needs of the
12 shareholder to ensure continued investment in these
13 services.

14 As such, the Commission occupies an
15 incredibly important and unique role in balancing these
16 interests in a way that ensures the most advanced and
17 reliable services, while at the same time ensuring they
18 are effectively and efficiently delivered.

19 The Commission has navigated this weighty
20 responsibility over the years, effectively, and, at the
21 same time, assumed a leadership role in developing
22 innovative policies in both the energy and
23 telecommunications areas. Our collective experiences at
24 both NARUC and within the agency and the Commission show
25

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2 us that the New York Commission is generally the leader
3 and pioneer on so many fronts.

4 The Commission also has a longstanding
5 commitment to substantive decision-making and fairness
6 supported by a highly professional and excellent staff.
7 As then Chair Paul Gioia said, in a 1982 message on our
8 75th anniversary, and it is still true today, As we look
9 toward the future, one thing is clear. The Commission
10 will continue to face difficult challenges in all areas of
11 regulation.

12 Now, for 110 years the Public Service
13 Commission has been charged with the responsibility of
14 safeguarding essential utility services and the Commission
15 and the Department that supports the decision-making serve
16 a key role in the future of the state and it's important
17 that our mission is supported.

18 For me, as we look toward the next 110
19 years, it is imperative for all of us to look at our
20 fundamental goals, our history, and the nature of our
21 service to the people of New York and, from that, take
22 stock of what our values are and need to be and work
23 together to achieve them.

24 As Commissioner Sayre said, legacy. That's
25 what we have today. Legacy, yes, is a very overused word

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2 these days. It seems that everyone and everything has to
3 have one.

4 But Chair Zibelman, it is true, you have
5 left behind a very real legacy which will affect the way
6 we do things in New York for a very long time to come.

7 On a personal level, every one of us who
8 knew and knows Audrey, and has worked alongside her,
9 whether things were going well or badly, will remember her
10 visionary impact with great admiration and awe.

11 When all is said and done, however much you
12 like your work, it's the people that you meet in it that
13 really matter. And colleagues like Audrey are something
14 very special. You don't come across many of them and,
15 when you do, they leave a lasting, indelible impression.
16 Audrey is a true visionary and I share her vision for
17 bringing greater transparency and granularity to valuing
18 distributed energy resources and to seeking to make our
19 energy future a better one.

20 While we have had our differences, and some
21 have been quite legendary, those differences were mostly
22 on process and I have never questioned her sincere desire
23 to empower customers and spur innovation at the retail
24 level. I have learned much from Audrey and I'm sure that
25

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2 the Australian Electricity Grid will be in reliable, if
3 likely transformative hands.

4 I congratulate her on her REV legacy as
5 Chair of the New York State Public Service Commission.
6 And I look forward to continued future work with my
7 colleague, Interim Chair Gregg Sayre at the helm.

8 Thank you.

9 MS. ZIBELMAN: So everyone's been sitting
10 for a really, really long time. So first of all, thank
11 you, Chairman Sayre.

12 Thank you, Commission Burman. That was --
13 for your words.

14 And just to take a couple minutes, when I
15 was given the opportunity by Governor Cuomo to take on the
16 position of Chair -- of Commissioner and then Chair of the
17 New York Public Service Commission, I -- I truly felt that
18 I -- it would be the -- the best job in the world. And I
19 was not disappointed.

20 And, you know, I was thinking about it.
21 You know, I've taken a few jobs in my life and sometimes I
22 was disappointed.

23 But this time, I -- I was totally right in
24 that the opportunity in New York to be able to once serve
25 the citizens of the state and be part of this

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2 administration, and then to work alongside my colleagues
3 in what we call the Energy Team, which now includes the
4 Department of Public Service and the Public Service
5 Commission, but also NYSERDA under John Rhodes, NYPA under
6 Gil Quiniones, and LIPA over Tom Falcone, as well as, of
7 course, the leadership of Richard Kauffman, has been an
8 amazing experience in terms of understanding how the
9 forces of government working collectively can -- can look
10 to -- to forward good.

11 The other aspect of it that is -- is
12 certainly the welcoming aspect of New Yorkers. New
13 Yorkers, I think have, like the worst reputation proceeds
14 you. This is my first time in New York. You know, I
15 lived 20 years in Minnesota and I never had as deep
16 conversations in Minnesota as you have in five minutes in
17 a taxi in New York. It is the -- the most open people and
18 -- and the friendship that I have gained, not just at --
19 at this agency, but among the many members of the people
20 who come here, the stakeholders, as -- it's been
21 incredible.

22 And of course as many of you know, I came
23 here under rather unique circumstances because I came as
24 sort of a different person than I thought I would -- was
25 ever going to be, and fortunately, grew out of that

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2 quickly. But it was great at seeing the warmth and people
3 welcome me when I -- after my accident.

4 But mostly, I have to say the opportunity
5 to work with my fellow commissioners and it's just in
6 terms of the acumen and the commitment, and as Diane said,
7 we disagree but we didn't disagree on one thing, which is
8 the most important thing is that the work we do is really
9 critical and really important. And so the fact that we
10 cared and we -- and we fought things through, both behind
11 the scenes and in front of the scenes sometimes, was
12 because we really, really cared about what we were doing,
13 and we take this very seriously. And that, to me, was
14 wonderful, and with Patty and Gary as well.

15 And then, of course, the Staff. And I've
16 said this many times to people and I -- I feel like the
17 Staff of this Commission is as good as any corporation
18 I've ever worked and certainly as good as any government
19 agency. The people who come here and work their hearts
20 out every day for New Yorkers to try to make the right
21 decision. And even like today, you know, where with
22 respect to some of the decisions we made with Value of D,
23 where we offered the industry, tell us what you want to do
24 and, frankly it only took staff to actually sit down and
25

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2 write out the pathway. And their willingness to take the
3 risk and do things has been incredible.

4 I don't think REV could have gotten done.
5 I don't think any of the things we could have gotten done
6 without the Staff. And so while as sitting as Chair, you
7 get recognition, that it's not because of what I did, it's
8 really what people did in this room and -- I mean, and in
9 this agency. So I -- you know, I accept all the
10 recognition. I accept it not on my behalf, but on behalf
11 of everyone who is sitting here.

12 And I would add to that to the people who
13 work with us because, quite frankly, if people resisted
14 along the way, we wouldn't have made the progress we did.

15 So we are fortunate in New York and, you
16 know, and I have often said we did everything we're doing
17 today and I'm sure I'm going to insult somebody, and we
18 did it in Indiana, nobody would care. But because we're
19 in New York and because of the leadership New York has
20 shown historically in everything that it does, people pay
21 attention and it has big influence.

22 And, you know, one of the things that,
23 quite frankly, about Australia is that they did look at
24 what we were doing in New York. They are looking at, you
25 know, how to make the world better, how do we think about

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2 energy strategy going forward. And while, you know, I'm
3 not going to be a policymaker there, I do know that while
4 I'm down under, I'll be looking up to see what you guys
5 are doing.

6 With regard to that -- with regards to
7 that, too, let me -- let just say I feel very much like
8 the competency and the capability of the people of the
9 Department, the leadership that I know Chairman Sayre will
10 show, and the leadership that Commissioner Burman
11 continues to serve in passion will serve New York well. I
12 have total confidence that we won't miss a beat.

13 There's never an organization should be
14 around a person. It's always around the organization.
15 And one thing I have to say, we have a superb organization
16 and I've been very, very grateful to be part of it. And
17 I'm going to miss everybody a great deal.

18 So thank you all. Thank you for all of
19 your help along the way, your guidance, and, most of all,
20 your friendship. So thank you.

21 INTERIM CHAIR SAYRE: Secretary Burgess,
22 are there any other matters to come before the Commission
23 this afternoon?

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SECRETARY BURGESS: There are no further matters today. The next Commission meeting is April 20th, at 10:30 in Albany.

INTERIM CHAIR SAYRE: This meeting is adjourned.

(The meeting adjourned at 1:03 p.m.)

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STATE OF NEW YORK

I, LESLIE TOMPSON, do hereby certify that the foregoing was reported by me, in the cause, at the time and place, as stated in the caption hereto, at Page 1 hereof; that the foregoing typewritten transcription consisting of pages 1 through 110, is a true record of all proceedings had at the hearing.

IN WITNESS WHEREOF, I have hereunto subscribed my name, this the 16th day of March, 2017.

LESLIE TOMPSON, Reporter

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