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Monthly Meeting - 2-7-19

STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION

MONTHLY MEETING OF THE PUBLIC SERVICE COMMISSION

Thursday, February 7, 2019  
10:35 a.m.  
Three Empire State Plaza  
Agency Building 3, 19th Floor  
Albany, New York

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

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

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

6 SECRETARY BURGESS: Good morning,  
7 Chair and Commissioners.

8 There are no changes to this morning's  
9 agenda.

10 CHAIRMAN RHODES: Thank you.

11 So, we'll move to the first item for  
12 discussion, Item 101, Case 17-G-0606, as it relates  
13 to the petition, filed by Consolidated Edison, for  
14 approval of its Smart Solutions Program, presented by  
15 Mike Rieder, Chief Gas and Water Rates and Supply and  
16 Peggy Neville, Deputy Director Office of Clean  
17 Energy.

18 Cindy McCarran, Deputy Director of Gas  
19 and Water, Rob Cully, Utility Engineering Specialist  
20 3 and John Favreau, Assistant Counsel, are available  
21 for questions.

22 Mike, please begin.

23 MR. RIEDER: Thank you.

24 Good morning, Chair. Good morning,  
25 Commissioners.

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2 On September 29th, 2017, Consolidate -  
3 - Consolidated

4 In its 2017 petition, Con Edison  
5 proposed to implement a multi-prong program to  
6 address its forecasted growing natural gas demand.  
7 Specifically, the Company proposed an enhanced-gas  
8 energy-efficiency program, a gas-innovation program,  
9 a gas-demand response pilot, a non-pipe alternative,  
10 or NPA portfolio and recovery of pipeline-development  
11 costs.

12 In its July and August 2018 orders,  
13 the Commission made determinations regarding the  
14 Company's proposal, related to the enhanced energy-  
15 efficiency program, pipeline-development costs and  
16 the gas-demand response pilot. The Draft Order  
17 before you, does not revisit those issues.

18 In addition, Con Edison has recently  
19 filed additional information, related to its proposed  
20 gas-innovation program, which is currently subject to  
21 public comment and therefore, is not being  
22 considered, at this time.

23 On December 28th, 2018, Con Edison  
24 filed additional detail, regarding its proposed NPA  
25 portfolio and shareholder-incentive mechanism. In

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2 the Draft Order before your, it is recommended that  
3 the Commission approve, with modification, Con  
4 Edison's proposed NPA port -- portfolio.

5 Con Ed -- Con Edison underwent a  
6 request for proposal, or R.F.P. process, to develop  
7 its proposed NPA portfolio. After review and proper  
8 vetting of the proposals received, Con Edison  
9 requests that the Commission approve a 305 million  
10 dollar budget, excluding commodity and capacity  
11 charges and O and M costs, for a portfolio of non-  
12 pipe-line projects, including one, gas energy  
13 efficiency program, including efforts targeting low  
14 income customers and government buildings, that  
15 provide critical community services. Two, renewable  
16 thermal electric -- electrification, by way of  
17 residential geothermal-heat pumps, in Westchester  
18 County and air-source heat pumps for multi-family  
19 customers in the Bronx. Three, renewable natural-gas  
20 productions plants in Westchester County and New York  
21 City. And four, truck supplies of compressed natural  
22 gas and liquefied natural gas in Westchester County.

23 The Company has taken a positive step,  
24 by proposing non-traditional solutions, to present --  
25 to present and future gas-supply constraint problems

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2 and commenting parties, have made a valuable  
3 contribution, in recommending qualifications to the  
4 proposal, in light -- light of the State's clean-  
5 energy policies.

6 The measures approved in this order,  
7 are not a short-term fix, to a short-term problem.  
8 They are the early stages of a long-term  
9 comprehensive approach. The Company is encouraged to  
10 work closely with stakeholders and local government  
11 officials, as this effort continues.

12 The item before you does not grant Con  
13 Edison's request for a shareholder-incentive  
14 mechanism, mirroring those put in place for non-wires  
15 alternatives, for the reasons we will discuss in more  
16 detail. However, the item notes, where a gas company  
17 does have a specific infrastructure project, within  
18 the Company's control, that can be avoided, a non-  
19 wires alternative-like mechanism may be appropriate.

20 Because the Company's gas business  
21 faces a different set of long-term challenges, than  
22 does its electric business, the Company's encouraged  
23 to propose a more-comprehensive and gas-specific  
24 approach to incentives, for supply-constraint  
25 solutions.

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2 The supply-side projects contained in  
3 the Company's NPA portfolio, include renewable,  
4 compressed and liquefied natural gas projects, that  
5 would provide 47.1 million dekatherms of peak-day  
6 supply capability, which accounts for just over half  
7 of the relief contained in the portfolio.

8 The proposed budget for the supply-  
9 side solutions, is 86.9 million dollars, which  
10 consists of 82.6 million dollars, in capital costs,  
11 1.4 million dollars in supply-side program  
12 administrative costs for internal labor and 2.9  
13 million dollars for other related O and M costs.  
14 However, Con Edison currently has existing compressed  
15 and liquefied natural-gas injection facilities  
16 connected to its gas network, providing gas supply,  
17 during winter peak-day events.

18 Because the proposed supply-side  
19 projects fit within the Company's current gas-supply  
20 and capital-planning scope, it is recommended that  
21 Con Edison be directed to begin develop -- to begin  
22 development of these projects now, with appropriate  
23 engagement of local, effected communities.

24 Furthermore, it is recommended that  
25 Con Edison's request for cost recovery and rate

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2 treatment, associated with the supply-side solutions,  
3 be denied and instead, the solutions be included as  
4 projects within the Company's existing capital  
5 program and included in the Company's current-pending  
6 rate filing.

7 It has been the policy of the  
8 Commission, to encourage non-traditional customer-  
9 side solutions, where they are cost effective and to  
10 align utility financial incentives with these  
11 outcomes. In this instance, the supply-side  
12 measures, proposed by the Company, represent a  
13 conventional approach to supply sort -- shortages and  
14 do not warrant any additional financial incentive.

15 The Company is exercising its  
16 responsibility to maintain reliable service and costs  
17 for those measures, should be recovered  
18 conventionally, under the Company's current -- under  
19 the Company's rate plan, or through the gas  
20 adjustment-clause mechanism, as appropriate and  
21 defined by regulations.

22 The Company should pursue these  
23 solutions, in the interest of serving its customers  
24 and in doing so, should work -- should work with  
25 those customers and affected communities, to pursue

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2 solutions that consider their needs.

3 Peggy will now speak to the demand --  
4 to the demand side solutions.

5 MS. NEVILLE: Thank you, Mike.

6 Good morning, Chair and Commissioners.

7 The Company has included in the  
8 proposed NPA portfolio, 227.5 million dollars, in  
9 demand-side solutions, estimated to achieve 37.5  
10 million dekatherms of peak-day relief, by 2024.

11 This figure includes 222.6 million  
12 dollars in incentive and non-labor admin costs, as  
13 well as 4.8 million dollars, in administrative costs  
14 for internal labor. These solutions resulted from  
15 the R.F.P. process mentioned earlier and consist of  
16 natural-gas energy efficiency and heating  
17 electrification, or in other words, installation of  
18 heat pumps.

19 The draft item before you, recommends  
20 approving the Company's proposal to implement the  
21 demand-side solutions with modification.

22 In its December 13th, 2018 order  
23 adopting accelerated energy-efficiency targets, in  
24 Case 18-M-0084, which I will refer to as the  
25 accelerated E.E. Order, the Commission expressed

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2 support for both energy efficiency and heat-pump  
3 installations. This was evidenced by the adoption of  
4 an incremental energy-efficiency goal, for the  
5 State's large investor-owned utilities of 31 trillion  
6 BTU or TBTU, with a sub-target of at least 5 TBTU for  
7 heat pump installations of 2025.

8 The accelerated E.E. Order also  
9 established a process for the State's utilities to  
10 jointly file a proposal, by March 31st, 2019, which  
11 was propose a distribution of the statewide goal and  
12 associated costs, by utility and by fuel type. This  
13 proposal in anticipated to be acted upon, by the  
14 Commission, in the latter part of 2019.

15 All commenters were supportive of the  
16 demand-side solutions included in Con Edison's  
17 petition. However, some raised questions, as to how  
18 these activities would complement, or potentially  
19 compete with current, or future energy-efficiency  
20 initiatives.

21 While the Company's current petition  
22 is focused on pursuing alternatives to peak-day  
23 supply constraints, the demand-side solutions  
24 proposed are wholly consistent with the goals set  
25 forth in the accelerated E.E. Order and therefore,

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2 need to be viewed within that context.

3 The primary distinction between what  
4 is under consideration here and what is required from  
5 the accelerated E.E. Order, is one of timing. Given  
6 the process the Company has undertaken to solicit  
7 actionable proposals from the marketplace, coupled  
8 with the need to develop solutions for supply-  
9 constrained areas, Staff believes it is not advisable  
10 to unnecessarily delay this increased level of energy  
11 efficiency and heat-pump installation, while the  
12 process established in the accelerated E.E. Order  
13 runs its course.

14 Rather, the recommendation before you,  
15 allows Con Edison to begin to address the unique  
16 needs of its territory, while jump starting  
17 implementation towards the overall goals established  
18 in the accelerated E.E. Order.

19 Staff recommends approval of 222.6  
20 million dollars for the implementation of the demand-  
21 side solutions. Cost recovery, as well as  
22 consideration of any additional internal-labor costs,  
23 are to be considered within the pending rate  
24 proceeding.

25 Beyond the 37.5 million dekatherms of

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2 peak-day relief previously mentioned, the demand-side  
3 solutions are estimated to achieve approximately 4.1  
4 TBTU of cumulative annual natural-gas savings, by  
5 2024. The Company is directed to begin  
6 implementation immediately and include the targets  
7 and budgets approved in this item, within the  
8 upcoming joint utility filing, in March.

9 With regard to shareholder incentives,  
10 the demand-side solutions proposed by the Company, do  
11 represent non-traditional solutions for which  
12 shareholder incentives may be warranted. However,  
13 because energy efficiency and heat-pump programs are  
14 eligible for earning adjustments mechanisms, or  
15 EAM's, as outlined in the accelerated E.E. Order,  
16 these components are more appropriately considered,  
17 as part of the Company's comprehensive energy  
18 efficiency offerings.

19 Thank you.

20 We are available for any questions you  
21 may have.

22 CHAIRMAN RHODES: Thank you, Peggy.  
23 Thank you, Mike.

24 Thank you for the presentation and the  
25 work that -- that got us here. I find it careful,

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2 well-thought through and responsive and it looks to  
3 Con Ed, to move forward with these important  
4 solutions, in the interest of serving the customers,  
5 both on the demand and the supply side.

6 I find that it's timely and I find  
7 that you're recommendation is balanced and prudent,  
8 as to budgets and incentives and matters of that  
9 type. So, I will be in favor of this item.

10 Now, what -- did folks hear me? I'm  
11 sorry. I wasn't on.

12 THE REPORTER: I got what you were  
13 saying.

14 CHAIRMAN RHODES: I'm good.

15 Sorry?

16 THE REPORTER: They heard you.

17 CHAIRMAN RHODES: Thank you.

18 Apologizes.

19 THE REPORTER: Uh-huh.

20 CHAIRMAN RHODES: Commissioner Sayre?

21 COMMISSIONER SAYRE: This item  
22 represents solid movement, toward the implementation  
23 of a new way of utility planning, consistent with  
24 REV, to look at non-pipes alternatives, as we do with  
25 non-wires alternatives, on the gas -- on the electric

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2 side, with RFP's and non-traditional alternatives  
3 being considered, both on the supply side and the  
4 demand side.

5 These programs are innovative, but I  
6 recognize that they don't address all of the gas  
7 supply issues downstate. They are, however, a step  
8 in the right direction and I support the order.

9 CHAIRMAN RHODES: Thank you.

10 Commissioner Burman?

11 COMMISSIONER BURMAN: Thank you.

12 It may come as no surprise, that I do  
13 have a little something to say on this issue. I hope  
14 to be thoughtful and to focus on the path forward.

15 We are at a critical juncture. We --  
16 while we are looking at the smart-solutions program  
17 and the filing before us and we've dealt with a  
18 number of different items in this proceeding and the  
19 moratorium itself is not before us to evaluate today,  
20 it is filed in this proceeding and it is mentioned in  
21 the Draft Order and is a significant aspect of this  
22 proceeding, but it's not unique to Con Ed. It just  
23 happens to be the one that has generated the most  
24 reaction, so far, but it's also not the first  
25 moratorium that New York is facing and -- or has

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2 faced.

3 In the 1970s, we dealt with looking at  
4 statewide moratorium. That order is -- that dealt  
5 with that, was -- is eye-opening and scary and I hope  
6 to not to have to be in that position, but  
7 unfortunately, that is something that if we don't  
8 address sooner, rather than later, we are going to be  
9 looking at that and that is not something that we  
10 should be addressing. Moratoriums should not be the  
11 answer and should not be seen as a good thing.  
12 Regardless of where you sit on the issue, it is not  
13 something we should want, temporary, or permanent.

14 Lansing also had a moratorium -- NYSEG  
15 Lansing and that is instructive for me, as it relates  
16 to the non-pipes alternatives. Part of the -- while  
17 that didn't come before us, non-pipes alternatives  
18 and what's happening in that area, will be something  
19 that will come before us, for resolution on.

20 As way of background, we did address -  
21 - in the NYSEG area, we did address allowing an  
22 order, to allow a compressor station and looking at  
23 also going forward with reliability issues going  
24 forward with trying to address putting out -- letting  
25 NYSEG put out an R.F.P. for the non-pipes

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2 alternatives, as a way of getting around having to  
3 have a pipeline. But, we did recognize, at that  
4 time, that it may have to come back to us, for the --  
5 for a pipeline, if we were not -- if they were not  
6 able to address, through the non-pipes alternative  
7 and the other issues that they were dealing with, the  
8 need for addressing their energy needs there, in a --  
9 an economic and environmentally-friendly way because  
10 of the serious reliability issues.

11 They're still ongoing. I don't want  
12 to prejudge what's happening there, but it is still a  
13 significant challenge. They have not had success, so  
14 far and it is something that I -- I know I'm watching  
15 and the Staff is watching. The community's very  
16 invested in it, as well as the Company.

17 But, it is -- a lesson for us, is that  
18 is has -- it has significant time-line issue and we  
19 don't have time for worrying about our reliability  
20 issues. We need to address them, real time. We need  
21 to really take careful stock of that because it isn't  
22 an easy fix. Just saying no to a -- a pipeline,  
23 doesn't necessarily end the issues. It's an ongoing  
24 challenge. There's a lot that goes onto plan and to  
25 make sure that a community has what it needs, for its

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2 energy needs and doesn't put at risk, the system.

3 With that, I do want to recognize that  
4 again, from a historical perspective, back in 2012,  
5 there was a natural-gas expansion proceeding that's  
6 still ongoing. I would say ongoing. There hasn't  
7 been any activity in it, since 2013. Any time anyone  
8 was asked if it's dormant, the response is, it's not  
9 dormant, even though it is. There has been no  
10 activity.

11 We have dealt with the issues through  
12 other proceedings. We've dealt with some of the  
13 natural-gas expansion issues, in other rate cases.  
14 And so, if we were formally asked, we -- the -- the  
15 response was, that it is proceeding through other  
16 means and you could point to that and we've actually  
17 had some successes, especially in our neighborhood-  
18 expansion programs that we've supported, in looking  
19 at that.

20 And so, I do point to that, sort of as  
21 instructive, in terms of our policy goals and our  
22 policy objectives and what we do, to help signal to  
23 companies and to the customers and to those  
24 stakeholders, in that our policies do generate  
25 activities and reactions to that. And so, signaling

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2 what we're doing, in terms of just a -- a short of a  
3 time ago, as 2012 and actually interesting, in the  
4 natural-gas expansion case, the first filing in that,  
5 was the November 27th, 2012 press release, with the  
6 Governor's energy highway, gaining momentum and then  
7 it continued with our order instituting -- I wasn't  
8 there at the time, order instituting the proceeding  
9 to examine the expansion of natural gas and then  
10 opening up a technical conference and presentations  
11 for technical conference were posted.

12 Going through that, there was actually  
13 an interesting PowerPoint from Con Ed, looking at the  
14 Westchester gas-service requests in there and in  
15 2011, traditional new business and the oil-to-gas  
16 conversions and it showed that approximately eight  
17 hundred services were installed in 2011 and 2012.

18 This was also in light of a focus in  
19 New York City, as well. New York City put in a  
20 presentation on its clean-heat program, back on  
21 January 9th, 2013. Their presentation focused on the  
22 fact that the -- the need to eliminate heavy oil and  
23 the eliminated Number 6 heating oil, was one of the  
24 number one strategies to make New York City's air,  
25 the cleanest of any major U.S. city -- city. We

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2 should be very proud of that. And the City and EDF  
3 launched the New York City Clean Heat, to accelerate  
4 that and so, we were very focused in as a state, also  
5 supporting that.

6 There were -- over 13,000 conversions  
7 completed since that program started, which  
8 eliminated 154 -- this was back in 2013 -- beginning  
9 of 2013, eliminated 154 metric tons of P.M. 2.5 or 40  
10 percent of the program's goals.

11 And the demand for natural gas also  
12 was recognized at that time, this is again from the  
13 PowerPoint from New York City, requests for natural-  
14 gas service to Con Edison, increased 5 fold, after  
15 the City released its regulations, phasing out Number  
16 6 oil. The conversions from Number 6 oil, to natural  
17 gas, can achieve financial payback, especially when  
18 paired with energy efficiency and then it went on and  
19 on.

20 So, from my perspective, what I sort  
21 of took away from that, is the focus of -- it is  
22 really important that we focus on how can we reduce  
23 emissions? How can we work to get cleaner energy?  
24 And the policies that we do, really have to be  
25 aligned with working with all stakeholders and seeing

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2 it -- especially seeing how we started the proceeding  
3 that actually led to the oil to gas conversions, that  
4 actually focused at that time and there's a lot of  
5 documentation in here, including our order, which  
6 recognized the need to look at enhancing reliability,  
7 economic development, what that would mean for load  
8 growth, etcetera, that there was a recognition that  
9 this would increase the load growth and that there  
10 would be a need to look at that and what that would  
11 mean, whether it was for reinforcements, extensions,  
12 as well as potentially new pipes.

13 And so, those are things that we, I  
14 think, have to take stock of. So, while we can say  
15 that this is now coming from the moratorium, it is  
16 not new to us, nor should it be new to us, or a shock  
17 to us, that there would be increased demand. There  
18 has been -- E.I.A. outlook has been forecasting this.  
19 Its most recent outlook has been doing that,  
20 forecasting both nationally, as well as state  
21 forecasts have showcased that, when even under the  
22 clean-power plan, would have showed that there would  
23 be an increased need for this. It goes hand in hand  
24 and we need to work very closely together, to get to  
25 our renewables that we want to increase, we need to

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2 also work through this transition.

3 And I think that that's really  
4 incumbent upon us, as regulators, to make sure we do  
5 that, in a way that is helpful and not pointing  
6 fingers, when we see that there is some disruption to  
7 that, but really trying to work together, in -- in a  
8 -- in a helpful way.

9 So, that's the history. Now, we come  
10 to the current, where we talked about the diff -- the  
11 proceeding. There are the related proceedings.  
12 There's still some ongoing proceedings.

13 I do recognize that some of the order  
14 -- the Draft Order here, is looking to other orders  
15 that will address it. We have the gas-innovations  
16 piece of this, that still will come before us. We  
17 have the petition for a rehearing -- excuse me, I  
18 need some water.

19 Thanks. If you can open this?

20 CHAIRMAN RHODES: Yeah.

21 COMMISSIONER BURMAN: We have --.

22 CHAIRMAN RHODES: I didn't -- it's  
23 good.

24 COMMISSIONER BURMAN: Thank you. All  
25 right. Thank you.

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2 We have the petition for rehearing on  
3 the original order in the smart solutions, that will  
4 have to come before us and then we -- we also have  
5 other proceedings that will interconnect. But the  
6 elephant in the room, really is, is that we need to  
7 make some real-time decisions and we really need to  
8 take care of that, in a way that makes some -- sends  
9 some clear signals about what exactly we're -- we --  
10 we are looking at, from a policy perspective, rather  
11 than just leaving things hanging out there.

12 I am very concerned and as -- as I  
13 said, we have warned about the gas-supply  
14 constraints, for some time now. I think  
15 historically, it -- I outlined that. Again, Con Ed  
16 filed its original smart-solutions petition in  
17 September 2017, stating its projections to have a 22  
18 percent shortfall in supply capacity, by 2023/2024.

19 Supply is not the issue. We have  
20 supply. It's getting that -- the constraints to get  
21 that is the issue. It's not lost on us, that --  
22 that's the issue. It's not just market conditions.  
23 It's policy conditions, as well, that are leaving  
24 that problematic and unclear policy, in what that is,  
25 is leaving that and uncertainty, in what that is, is

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2 leaving that to be unclear to those folks who may  
3 want to come because they need to have some  
4 certainty, for knowing that -- that there is a  
5 pathway here.

6 Not only is it for their own need to  
7 know that, but it is the right thing to do. They  
8 have a -- a -- a fiduciary duty to their  
9 shareholders, as well.

10 As I said, NYSEG filed its petition to  
11 install compressors in the Lansing area, in July of  
12 2017, which was followed-up this year, with the  
13 issuance of an R.F.P. for non-pipe line alternatives,  
14 to address a little -- the liability needs, caused by  
15 the increased demand for gas. More recently,  
16 National Grid filed tariff revisions in all three of  
17 its gas-service territories, to allow for more  
18 flexibility in connecting the gas customer because in  
19 some areas, they just don't have the capacity needed  
20 to serve new customers.

21 As demand grows from existing  
22 customers without any increase in supply, the  
23 potential for moratoriums on new gas customers, is a  
24 stark reality and as we saw with Con Ed's recent  
25 issuance of a moratorium for most of Westchester

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2 County, utilities are obligated to provide safe and  
3 reliable service, to their existing customers.

4 In a service territory, we also need  
5 to look at what about those -- if they're not  
6 existing customers but they are new customers, what's  
7 the obligation there? How do we work through that?  
8 What's the obligation of us, as regulators, to make  
9 sure that those customers in that service territory,  
10 or those potential customers, have the -- have what  
11 they need for their energy needs?

12 That's our obligation. That's on us.  
13 We need to make sure that the power is there and the  
14 structure is there. That's on us.

15 If the utilities are telling us that  
16 they can't provide that, it's irresponsible of them  
17 to accept new customers if they've determined there's  
18 inadequate supply. It's irresponsible of them to  
19 accept new customers, if they're determined there's  
20 inadequate supply to maintain a system pressure on  
21 the coldest peak day.

22 They've come to us. They've told us.  
23 They can't do it. It would be irresponsible. We're  
24 determined, or we are looking at, that that is true.  
25 If that's true, then they need to do the moratorium -

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2 - the temporary moratorium.

3 We can't -- we can't penalize them for  
4 that. We need to look at then, us and what are we  
5 doing, knowing that this was coming and looking at  
6 that from the perspective of, if there is an issue  
7 and we're looking at that, what's the next step that  
8 we need to do?

9 So, it's -- it's about looking and  
10 planning, so that we don't have any more temporary  
11 moratoriums and we don't have any permanent  
12 moratoriums and addressing the issue, whatever that  
13 is. It does not mean that the solution is, that  
14 everything goes to gas. It may mean that there are  
15 more opportunities, for other energy sources, but we  
16 need to look at that and we need to plan for it  
17 because it doesn't happen overnight.

18 Even here in this order, it doesn't go  
19 far enough because we are now looking and we have to  
20 rely on going to local permitting. Now,  
21 traditionally, it should not be that difficult but it  
22 may take a while with local permitting. And with  
23 that, we still have a crisis, in that we have a  
24 temporary moratorium and so we need to look at, in  
25 the interim, what do we do with those customers -- or

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2 those potential customers, who aren't able to access  
3 the energy that they need. Or, if they are able to  
4 access energy, it is too cost prohibitive for them,  
5 or it's just not able to be sufficient for them, or  
6 they have to wait. That may not be acceptable. It  
7 produces other issues -- economic issues.

8 Large customers may decide to abandon  
9 their projects, altogether. That has a negative  
10 impact on economic development. It's not just about  
11 that large business customer deciding not to come, or  
12 build there. It's about those employees that may  
13 come and build -- buy a home there, or rent there.  
14 It's about those other businesses around there, that  
15 may benefit from those folks who would -- who would  
16 live there.

17 So, these are the ripple effects from  
18 the decision for us, to not be able to plan out and  
19 have foreseen this. Again, the picture is back in  
20 2012/2103, we were projecting these -- this increase.

21 We should be looking at the numbers.  
22 If the increases were every year, this projection of  
23 increased customer demand, then we needed to be able  
24 to do the forecasting.

25 Now, this gets to the larger issue for

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2 me and one that I've spoken on quite a bit.

3 In -- in 2009, the State Energy  
4 Planning, Article 6, was adopted. State Energy  
5 Planning Law. At that time, every four years -- it  
6 said, every four years, the State Energy Planning  
7 Board shall adopt a state-energy plan, which  
8 addresses each item identified and it's a long list,  
9 so I won't read it to -- for you. And the Board may  
10 adopt such a plan more frequently for good cause  
11 shown. The Board shall prepare bi-annual reports,  
12 every second year, following the issue -- issuance of  
13 the final state-energy plan, including a discussion  
14 and evaluation of the ability of the State and mark -  
15 - private markets, to implement the policies,  
16 programs and other recommendations, as found in the  
17 state-energy plan and recommendations for new, or  
18 amended policies, as needed, to continue successful  
19 movement, toward implementation and realization of  
20 such policies and programs. Then it goes on.

21 Right now, the State Energy Planning  
22 Board is out of compliance with the law and has been  
23 out of compliance, for a long time. The last State  
24 Energy Planning Board should have been in 2 -- final  
25 report, should have been in 2013. It was late by 2

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2 years in 2015.

3 That doesn't mean that it should have  
4 then got -- got a pass for another 4 years, to 2019.  
5 It actually should have then still remained in  
6 compliance to 2017 and gotten back into compliance  
7 with the 4-year cycle.

8 However, if you wanted to keep it to  
9 2019, at the very least in 2017, they should have  
10 issued their -- every second year following the  
11 issuance of the final report, they should have issued  
12 their bi-annual -- prepared a bi-annual report. So,  
13 we should have seen something then. I believe we did  
14 see some stuff. Then 2019, is when we should have  
15 seen an actual report, but we should have seen in  
16 2018, a draft.

17 I understand there is discussion on  
18 working with the State Energy Planning Board, but we  
19 should already have been in that. We should already  
20 have information and for me, it's something I've  
21 spoken about, publicly, quite a bit. It is important  
22 for us -- the technical advisor to the State Energy  
23 Planning Board, is not NYSERDA. It is not DPS It is  
24 not NYPA. It is -- it is not DEC It is the ISO  
25 That's the technical advisor to it.

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2 While other state agencies, including  
3 DPS, are part of the -- working with them under the  
4 law, to give them information and -- and to plan with  
5 them, it is actually -- the technical advisor is the  
6 IS -- New York ISO

7 So, for me, I just think it's really  
8 important that we focus on this because while that is  
9 a separate, longer-term state-energy planning, we do  
10 let the Commission, have our real-time needs now and  
11 the critical crunch that we have to also do. And,  
12 while I understand that we'll be studying this to  
13 investigate the market conditions, it goes beyond  
14 that. It goes beyond that. It goes into looking,  
15 really at what we're doing to ensure safe and  
16 reliable and adequate service, ensuring that there is  
17 a cost-effective price point.

18 So, I really am very focused on making  
19 sure that we're doing what we need to do, in real  
20 time and not just waiting for a report to come out,  
21 in July of 2019. I also do not think that it should  
22 be that the Staff is the one -- the Staff is given  
23 the job of the report. I do think it should be --  
24 it's a -- a -- the -- an independent entity, or  
25 independent -- excuse me, an independent consultant,

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2 much like we do with our audit processes, where the  
3 Commission itself, can weigh in on it and also  
4 approve it, so that we can have that process in  
5 place, so that it truly is authentic and weighs into  
6 all of the different issues. And it also is, I  
7 think, too cumbersome and too important to give to  
8 Staff to have to do in short term. So, it's just my  
9 food for thought on that.

10 With a moratorium and what led to  
11 this, which is one of the things that Staff will be  
12 looking at, there is no approval process for a  
13 moratorium. They do come to the Staff. They do get,  
14 sort of -- my understanding, is there is some  
15 recognition that yes, we believe that there is a need  
16 for a temporary moratorium.

17 Am I correct on that --

18 MR. RIEDER: Yes.

19 COMMISSIONER BURMAN: -- and that  
20 there is an analysis done?

21 But there is no real formal standard,  
22 or process.

23 MR. RIEDER: That's correct.

24 COMMISSIONER BURMAN: Right.

25 I do think that that is a fail because

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2 I do think that we should have some processes in  
3 place, so that we can make sure that the Commission,  
4 itself, weighs in on that and also, maybe is able to  
5 look at what are we doing to make sure that the  
6 moratorium doesn't happen, but also, what the  
7 parameters are with the moratorium.

8 The thing that concerns me -- pretty  
9 much, one of the things that concerns me -- all of it  
10 concerns me, but one of the things that concerns me,  
11 is the March 15th deadline. Right now, there's a  
12 race to get in and meet that March 15th deadline.

13 I'm unclear -- not from Westchester.  
14 I don't live in Westchester, so I'm unclear on the  
15 information that's being given to those in  
16 Westchester or those seeking to come to Westchester,  
17 on how to get file -- give that notice.

18 I think that we should be very  
19 cognizant of the fact that it's a -- it's -- it's  
20 stated, as a temporary moratorium. So, if it's truly  
21 temporary, there should be no need for a deadline and  
22 I'd like to explore that a little bit because as I  
23 see it, there -- I don't really understand and help  
24 me here because I'm looking at this, saying, you're  
25 telling me that if we don't get in after this

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2 deadline, there's no gas, until we deal with this  
3 issue and there's -- now, we can lift the moratorium,  
4 but we don't know when we're going to be able to lift  
5 that moratorium. So, get in before March 15th.

6 If you're in March 15th, you'll be in  
7 this queue but we don't know when we're going to be  
8 able to take you and we don't necessarily know when  
9 we're going to be able to make those pronouncements,  
10 but -- so for me, it should be -- we should be, as  
11 regulators, coming -- and very quickly and this  
12 should have already been done, with the process to  
13 make sure that it's seamless. One, getting the word  
14 out to everyone, making sure it's very easy to get  
15 notice and be part of that, so that anyone, even if  
16 they just say hey, I think I may want it, please put  
17 me down, come to me, let's talk.

18 Because they may not know. They maybe  
19 want gas. Maybe they want something else. Maybe  
20 they want to look at what the facts are. Maybe they  
21 want to be able to explore this. We should have as  
22 big a queue as possible to know what our demand needs  
23 are -- our potential demand needs are and then  
24 whittle it down from there.

25 We should -- they -- and we -- it

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2 should -- yes, it's on the Company, but it's on us  
3 because we're the ones that said yes to understanding  
4 that they were going to be saying that there was a  
5 need for filing the temporary moratorium. So, I just  
6 really think this March 15th deadline is concerning  
7 to me because it doesn't make sense to me.

8 Now, again, I go back to Con Ed is  
9 doing the right thing, in that they can't put at risk  
10 the reliability of the system. So, they can't serve,  
11 if it's going to cause a problem, but we should have  
12 already been figuring that out before we got to this  
13 and figuring out how to get the word out, so it  
14 wasn't just popped -- or felt like it was popped to  
15 people.

16 So, that's just something for  
17 consideration because it is really important and  
18 nobody should -- nobody should feel like March 16th,  
19 they found out and then they're out of luck. And at  
20 the same time, when we're looking at this, what are  
21 the projections for -- if we do -- so, if we do the  
22 smart-solutions program and if all of these things  
23 come into fruition, how much of this helps the  
24 Westchester pocket, that's still going to be in need?  
25 Is there still going to be a -- a problem?

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2 MR. RIEDER: Yeah.

3 Even if the -- well, it's -- it's hard  
4 to say with -- because we don't have the -- the  
5 information on the innovation program yet, but with  
6 the D.R. program, with the enhanced-energy efficiency  
7 and with what's before you today in the NPA  
8 solutions, it's -- it's unlikely that the Company  
9 would be able to lift the moratorium, if all these --  
10 all these solutions do come to fruition.

11 COMMISSIONER BURMAN: It's hard to  
12 say?

13 MR. RIEDER: It's -- it -- it -- it's  
14 unlikely that they'll be able to lift the moratorium.

15 COMMISSIONER BURMAN: It's unlikely  
16 that they'll be able to lift the moratorium, even if  
17 all of these come to fruition?

18 COMMISSIONER BURMAN: That's pretty  
19 startling and -- and that is troubling because that's  
20 what we should be focusing on.

21 Not surprising, especially if you look  
22 at some of my past comments at sessions since 2013,  
23 but I do think that what we're hearing -- what we  
24 have heard, is that the alternatives -- we're going  
25 to be able to address this. If we're hearing that

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2 there's still going to be a moratorium, we should  
3 know what that is and we should be addressing because  
4 it's not -- it's -- it's not like you can take care  
5 of this, overnight. So, we should already be  
6 knowing, you know, what that scenario may be and  
7 addressing that and making some projections, rather  
8 than wait.

9 I mean -- okay. I've spoken on that,  
10 so I -- I don't need to repeat myself. I know I  
11 have. So, I apologize.

12 I just want to underscore the  
13 importance of this and folks hearing the non-pipes  
14 alternatives are not -- and smart solutions are not  
15 going to address 100 percent, the issues. And so, we  
16 need to understand that.

17 And the non-pipes alternatives are not  
18 all going to be satisfactory to those folks who want  
19 100 percent renewables because the non-pipes  
20 alternatives don't just have that in there. So --.

21 CHAIRMAN RHODES: Commissioner, may I?

22 COMMISSIONER BURMAN: Yeah.

23 CHAIRMAN RHODES: So -- so -- so Mike,  
24 but this is not the last round of solutions that  
25 we're looking for, is that correct?

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2 MR. RIEDER: That's correct.

3 We've -- in the order before you,  
4 we've directed Con Edison to continue to look for  
5 other non-pipe solutions and other alternatives, in -  
6 - also, in within the context of the Accelerated  
7 Energy Efficiency Order.

8 CHAIRMAN RHODES: So, I think it's a  
9 partial response to your concern, Commissioner, that  
10 we're not stopping and we're not --

11 COMMISSIONER BURMAN: Uh-huh.

12 CHAIRMAN RHODES: -- looking to -- to  
13 the -- to Con Ed to stop.

14 COMMISSIONER BURMAN: Right.

15 I take that -- I note that.

16 CHAIRMAN RHODES: Okay.

17 COMMISSIONER BURMAN: Okay. I do  
18 think though, that underscoring that, even if Con Ed  
19 succeeds while we're still asking them to do more and  
20 they get the full benefits from this non-pipes  
21 alternative portfolio, they're not going to be able  
22 to material reduce and lift -- lift the moratorium  
23 part in, you know, in -- in full.

24 So, the risk of an expanded  
25 moratorium, not just in -- in Westchester, is real.

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2 Am I correct in that?

3 MR. RIEDER: Yes.

4 You're correct.

5 COMMISSIONER BURMAN: Okay. The item  
6 also speaks to using energy efficiency and heat  
7 pumps, as part of the solution.

8 I do support these types of  
9 initiatives, as they may be part of the answer. But  
10 we have to really look at them from a cost-effective  
11 perspective and also where they're being utilized.  
12 We are looking at them in -- in other scenarios.

13 They will not address the problem  
14 alone. Under the scenario of you -- of customers  
15 facing moratoriums, are fear of future supply  
16 constraints. When faced with the decision of how to  
17 heat their homes, or their buildings, or operate  
18 their business processes, folks may opt for lower  
19 cost energy solutions, such as oil, or propane and --  
20 compared to heat pumps, or electricity. We need to  
21 recognize that.

22 We also need to look at the  
23 environmental footprint and the environmental and  
24 unattended consequences that happen with this  
25 moratorium, as well. And also, be looking at the

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2 stark reality of the number of customers -- potential  
3 customers who do not benefit from, you know, this  
4 moratorium -- I mean, or who -- who drastically are  
5 affected by this moratorium because of each year of  
6 the increase that we've seen from the demand.

7 I'm not against many of the specifics  
8 in this item. In fact, I -- I welcome some of them  
9 and I appreciate Staff, the Company and the parties  
10 efforts and contribute -- contributions.

11 It just doesn't go far enough in  
12 supplying the -- in -- in addressing the issues that  
13 we have. It just doesn't. Not in Westchester, not  
14 in New York City and not -- certainly not statewide.  
15 It -- overall, we need to address it.

16 We need, as I said before, a clear,  
17 comprehensive, fair, unbiased, statewide strategy and  
18 policy for natural gas and that strategy must  
19 recognize that many New York customers are choosing  
20 and demanding natural gas. And even doing so, while  
21 being, you know, constrained by some of our own  
22 decisions, that seems to suggest that they don't want  
23 gas, are focused on other things.

24 This demand has to be met with  
25 sufficient access to supply. Again, it's not about

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2 not having -- not having supply. It's about the  
3 access to that supply. It's that simple.

4 We have to really have a clear pathway  
5 on our goals with renewals and how natural gas fits,  
6 or doesn't fit, in making it a reality. We  
7 desperately need a comprehensive energy plan, that  
8 recognizes the urgency of the situation and seriously  
9 lays out a plan, to ensure that we not only meet our  
10 clean-energy goals and our emission-reduction  
11 targets, but also our goal to attract businesses,  
12 create jobs for New York, while carrying out our  
13 responsibility for providing safe and reliable  
14 service to New Yorkers.

15 I do believe we can do all of that.  
16 We can't put at risk reliability and resiliency and  
17 we can't keep trying to pretend that it's all good.

18 It can be all good. It should be all  
19 good. We can work together. I do believe that there  
20 are solutions. I do believe, just like back in  
21 January of 2013, when Mayor Blumberg worked with the  
22 EDF and Con Ed and the State on programs that were  
23 focused on that, I do think that we can do it again  
24 and I do think that we should. And I hope that we  
25 can focus on that, real time.

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2 One question I do have, relates to  
3 this order and the next steps. So, we're looking at  
4 how some of this goes into looking for the rate --  
5 goes into the rate case, some of this -- some of  
6 these issues, as to working with other proceedings,  
7 etcetera. But to the extent that -- and there'll be  
8 a hearing -- a public-statement hearing and Staff  
9 will have investigation. I -- I do hope that we have  
10 an independent -- a -- a -- a consultant, from an  
11 R.F.P. that's issued, just like we do with auditors,  
12 in some fashion, even if it's streamlined, to get it  
13 out in a timely basis and comes to the Commission, as  
14 a body.

15 But one of the questions that I do  
16 have, is in the course of all of this, while we're  
17 monitoring all this, what happens, if the crisis  
18 continues? How does it come back to the Commission?  
19 How do we look at it? How do we monitor?

20 I know Staff will be working closely  
21 with Con Ed. I know Staff is working with National  
22 Grid. How do we -- how do we make sure that -- not  
23 just okay, don't worry Commissioner Burman. I'll  
24 talk to you, or you can talk to, you know, the Chair.  
25 Like, how do we actually make sure?

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2 If we're looking at this order, how do  
3 we make sure that the Commission, in carrying out its  
4 duty, is actually looking at this and making some  
5 decision points?

6 Because again, I'm looking at that 19  
7 -- the 1970's order and recognizing, that was a  
8 crisis. That -- that -- that order was not -- that  
9 was not good for that order, in having to do that.  
10 That was the statewide, there's no gas, we got to  
11 make some decisions here.

12 I'm now looking at before we get to  
13 the crisis, what are we doing? How are we coming to  
14 those decisions?

15 I don't know that we have the answers,  
16 but that's something that I recognize and that's  
17 something that I'd like us to do.

18 CHAIRMAN RHODES: Understood and --

19 COMMISSIONER BURMAN: Okay.

20 CHAIRMAN RHODES: -- understood and  
21 noted.

22 Thank you.

23 COMMISSIONER BURMAN: All right. Oh.

24 I'm sorry.

25 CHAIRMAN RHODES: Is that --?

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2 COMMISSIONER BURMAN: I'm -- I thought  
3 you could read my mind too.

4 I have no more questions.

5 CHAIRMAN RHODES: Okay.

6 COMMISSIONER BURMAN: I -- I -- I will  
7 -- I will be concurring in part and dissenting in  
8 part.

9 As I said, I do appreciate much of  
10 what's in this order. I -- I do have some concerns.  
11 I do think that we are needing to have much-more  
12 conversation at the front end and I -- I think we're  
13 in a critical -- a critical juncture and we need to  
14 take this really much more seriously, in -- in the  
15 Commission, as a whole.

16 CHAIRMAN RHODES: Thank you very much.  
17 Commissioner Alesi?

18 COMMISSIONER ALESI: Thank you, Mr.  
19 Chairman.

20 Thanks for your good work. Thanks for  
21 your follow-up emails too, by the way.

22 I can support this as a workable  
23 approach, a comprehensive look, with the focus on the  
24 demand and supply side's efforts. It just moves us  
25 in the right direction and I support the

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2 recommendation.

3 CHAIRMAN RHODES: Thank you very much.

4 So, with that, we will move -- I will  
5 move to call for a vote. My own vote is in favor of  
6 the recommendation to approve the petition, with  
7 modifications, as discussed.

8 Commissioner Sayer, how do you vote?

9 COMMISSIONER SAYER: Aye.

10 CHAIRMAN RHODES: Commissioner Burman,  
11 how do you vote?

12 COMMISSIONER BURMAN: I concur in part  
13 and dissent in part.

14 CHAIRMAN RHODES: Commissioner Alesi,  
15 how do you vote?

16 COMMISSIONER ALESI: Aye.

17 CHAIRMAN RHODES: The item is approved  
18 and the recommendation is adopted.

19 Thank you, all.

20 The second item for discussion is Item  
21 102, Cases 16-G-0058, et al., as they relate to the  
22 report filed by the Brooklyn Union Gas Company and  
23 Keyspan Gas East Corporation, regarding policies for  
24 temperature-controlled and interruptible customers,  
25 presented by Aric Rider, Utility Supervisor Gas and

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2 Water Rates and Supply section. Cindy McCarran,  
3 Deputy Director for Gas and Water, Mike Rieder, Chief  
4 for Gas and Water Rates and Supply and Brandon  
5 Goodrich, Assistant Counsel, are available for  
6 questions.

7 Aric, please begin.

8 MR. RIDER: Good morning, Chair and  
9 Commissioners.

10 Item Number 102, before you today, is  
11 a Draft Order for the Brooklyn Union Gas Company,  
12 doing business as National Grid, New York, or KEDNY  
13 and Keyspan Gas East Corporation, doing business as  
14 National Grid or KEDLY, collectively National Grid,  
15 or the Companies.

16 On September 17th, 2018, the Companies  
17 filed a report, regarding the policies for  
18 temperature-controlled, or TC and interruptible-  
19 transportation or IT customers.

20 The Companies put forth a number of  
21 recommendations in the report, including certain  
22 changes to the Companies' tariffs and gas  
23 transportation-operation procedures or G Top manuals.  
24 The Companies also propose, in the report, to modify  
25 the provision of their respective tariffs, that

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2 allows them to impose penalties for the on or off --  
3 unauthorized use of gas by TC and IT customers.

4 The Draft Order recommends the  
5 Commission approve the proposal to modify the tariff-  
6 penalty provisions. The Draft Order also recommends  
7 directing the Companies to file proposed tariff  
8 revisions, to create a new non-firm service class for  
9 each service territory, file tariff revisions that  
10 propose solutions that address interruptible  
11 reliability and require the Companies to file tariff  
12 revisions, to allow resumption of adding new TC  
13 customers.

14 In National Grid's last downstate-rate  
15 cases, the Commission required the Companies to  
16 convene a collaborative, to consider IT and TC  
17 service issues and subsequently file a report. The  
18 collaborative was to examine the structure and  
19 pricing of the Companies interruptible-service  
20 offerings, considering demand for natural gas and  
21 alternative fuel-market dynamics. The Rate Order  
22 also required the Companies to stop adding new TC  
23 customers.

24 On September 17th, 2018, National Grid  
25 filed the report, in which the Companies summarized

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2 the results of the collaborative and made  
3 recommendations that could take place in short order,  
4 or in the Companies next rate filings. Notably, the  
5 report recommended a change to the Companies TC and  
6 IT tariff-penalty provisions, as well as the creation  
7 of a new non-firm service class for each territory  
8 and the resumption of adding new TC customers in the  
9 Companies next rate filings.

10 Two months after the report was filed,  
11 on November 27th, 2018, Staff convened a technical  
12 conference with Con Edison, National Grid and other  
13 stakeholders, to discuss issues related to  
14 interruptible service and gather input on the best  
15 approach to resolve reliability issues, related to  
16 both Con Edison and National Grid's interruptible  
17 gas-service programs.

18 On December 31st, 2018, New York City  
19 submitted comments that stated the report was  
20 reasonable summary of the TC/IT collaborative  
21 discussions, but demonstrates that many issues were  
22 not resolved and only proposes a process that will  
23 permit resolution of all the issues, in the next base  
24 rate proceedings for the Companies. New York City  
25 does not support National Grid's request to defer

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2 resolution of the non-firm rate design issues, to  
3 future rate proceedings.

4 Staff has considered the comments  
5 received from all parties, including New York City,  
6 in written form and verbally, at the technical  
7 conference held in November 2018. Staff recognizes  
8 that providing customers with IT and TC service,  
9 allows the Companies to reduce gas demand during  
10 periods of peak usage, by offering a reduced delivery  
11 rate to those customers who agree to interrupt gas  
12 service when demand peaks.

13 This type of demand-response service,  
14 benefits all current customers, by using the gas  
15 distribution system more efficiently, as IT and TC  
16 customers utilized the distribution network, when the  
17 system is free of capacity constraints, but during  
18 times of peak demand, remove their usage from the  
19 system.

20 Last year, the Commission granted a  
21 waiver of KEDNY's tariff and lowered the applicable  
22 penalties for certain TC customers, that did not  
23 interrupt service when requested. In that case, the  
24 Commission noted that the limited firm gas  
25 transportation capacity downstate, had a direct

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2 impact on the price of natural gas during the period  
3 of very cold weather.

4 Due to the price -- due to the spike  
5 in natural gas prices at the time of interruption,  
6 the Commission found that the penalty charges  
7 indicated by the tariff, exceeded the level necessary  
8 to ensure future compliance by the affected  
9 customers.

10 Likewise, the report came to the same  
11 conclusion, on the current penalty structure. The  
12 Draft Order approves the report's recommendation to  
13 modify the penalty charges applicable to IT and TC  
14 customers, which will lower their risk, but still  
15 provide a strong incentive for these customers to  
16 switch to their alternative fuels, when required.

17 Prior to the issuance of the Rate  
18 Order, many National Grid IT and TC customers, were  
19 migrating to firm service. This trend continues. IT  
20 and TC customers primarily rely on fuel oil, when  
21 their use of natural gas is interrupted. IT and TC  
22 customers can face difficulty when seeking to  
23 replenish their fuel oil, during the winter and  
24 alternative fuels, like fuel oil, emit more  
25 greenhouse gasses and particulate matter, when

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2 consumed in place of natural gas.

3 Moreover, while the Rate Order  
4 attempted to correct the price inequity that caused  
5 many IT and TC customers to request firm service, the  
6 Rate Order established the IT/TC collaborative, to  
7 address several issues that support the service,  
8 which benefits gas-distribution network reliability.

9 The Rate Order better aligned the  
10 pricing of interruptible service, but in -- in --  
11 inequities remain, as IT customers not only have a  
12 lower-level of service and pay less than TC  
13 customers, yet TC customers are interrupted more  
14 often, than IT customers.

15 Instead of waiting to address the  
16 issue in its next base-rate proceedings, as proposed  
17 in the report, the Draft Order recommends that the  
18 Commission direct the Companies to move forward with  
19 the report's recommendations, to establish a new  
20 service class for each service territory, to align  
21 the current pricing and level of service through the  
22 tariff filings, independent of their next rate --  
23 base-rate filings, in advance of the upcoming  
24 2019/2020 heating season. Those proposed tariffs  
25 will be subject to comment from interested parties,

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2 prior to the -- this Commission taking action on  
3 them.

4 The Draft Order also recommends that  
5 National Grid be directed to align -- or, I'm sorry.  
6 Excuse me.

7 Directed to again allow willing  
8 customers, to enroll in TC service. This will allow  
9 National Grid to serve customers needing gas service,  
10 without installing the potential additional  
11 infrastructure, that might be necessary, if those  
12 customers required firm service. The Draft Order  
13 lifts the restriction now, which will allow the  
14 Companies to incorporate the demand changes into  
15 future capital-investment plans and will benefit firm  
16 customers.

17 The technical conference held in  
18 November 2018, provided a venue, to increase all  
19 interested parties' understanding of reliability  
20 issues, associated with TC and IT customers and  
21 collaboratively explore ways to provide them as much  
22 flexibility as possible, while also maintaining the  
23 natural-gas distribution system's reliability and  
24 integrity for firm customers. At the technical  
25 conference, Staff proposed several ideas to enhance

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2 the visibility of alternative-fuel situation, during  
3 the winter period, to further minimize any potential  
4 threat to the health and safety of all customers, due  
5 to the issues related to on-hand inventory of  
6 alternative fuels and non-compliant customers.

7 The Commission recently directed Con  
8 Edison to file additional proposed tariff  
9 modifications, addressing the potential negative  
10 impact of interruptible gas-service customers,  
11 failing to stop using gas when directed. The  
12 Commission also encouraged Con Edison to work with  
13 National Grid, on tariff language that can be uniform  
14 across both service territories.

15 In an effort to have consistency, the  
16 Draft Order directs National Grid to file proposed  
17 modifications to its tariffs that address the same  
18 issues from the technical conference asked of Con  
19 Edison, so that uniformity can be achieved where  
20 possible. The Draft Order directs National Grid to  
21 file proposed tariff modifications within ninety days  
22 of the date of this order. These proposed tariffs  
23 will be subject to comment from interested parties,  
24 prior to this Commission taking action on them.

25 This concludes my presentation and my

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2 colleagues and I will be happy to answer any  
3 questions.

4 CHAIRMAN RHODES: Thank you, Aric.

5 My take is that these modifications  
6 are -- represent a thoughtful and timely and helpful  
7 solution and that they do a good job of balancing  
8 customer benefits and risk, as well as system-useful  
9 signals. I am going to be supporting this item.

10 Commissioner Sayer?

11 COMMISSIONER SAYRE: This is another  
12 example of the success of the collaborative process,  
13 to address very-difficult issues that -- both  
14 technical and policy, by a group of interested  
15 parties with divergent positions.

16 As we do, in all of these situations,  
17 we -- we took the results of the collaborative and  
18 put them out for comment and we're taking a hard look  
19 at those results, from the viewpoint of the public  
20 interest. In this case, Staff recommend --  
21 recommends a -- a number of improvements in the  
22 public interest and I support those changes. I view  
23 them as comparatively minor and not as a rejection of  
24 the collaborative result.

25 So, I commend Staff for a good process

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2 and a good set of recommendations and I support the  
3 order.

4 CHAIRMAN RHODES: Thank you.

5 Commissioner Burman?

6 COMMISSIONER BURMAN: Thanks.

7 I'll be concurring on this item.

8 I want to incorporate, by reference,  
9 my comments that I made, as it related to the Con Ed  
10 item that dealt with the TC customers, as well. I  
11 think it was at the November --

12 MR. RIEDER: December.

13 COMMISSIONER BURMAN: -- December  
14 session.

15 I do think that while we're addressing  
16 this, we do need to look at it more holistically in  
17 as it incorporates in what we're doing with getting  
18 access to energy, in -- itself and what it means,  
19 switching from TC to a firm, you know, back and  
20 forth, etcetera and some of those issues.

21 So, I don't think that this -- it  
22 should be the end of the story. I think we should  
23 continue and look how it -- at how it effects and  
24 access to that, as well.

25 So, thank you.

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2 CHAIRMAN RHODES: Thank you.

3 Commissioner Alesi?

4 COMMISSIONER ALESI: Thank you, Mr.

5 Chairman.

6 I think that I can support this effort  
7 here. It -- it does provide a certain level of  
8 reliability. It lowers risk. It establishes a  
9 powerful incentive through its offering protection  
10 with flexibility and I think that overall, it's just  
11 a good approach for us to support.

12 So, I'll be supportive of it.

13 CHAIRMAN RHODES: Thank you.

14 With that, I will proceed to call for  
15 a vote.

16 My vote is in favor of the  
17 recommendations to approve the proposed tariff  
18 revisions and direct further tariff filings, as  
19 discussed.

20 Commissioner Sayer, how do you vote?

21 COMMISSIONER SAYER: Aye.

22 CHAIRMAN RHODES: Commissioner Burman,  
23 how do you vote?

24 COMMISSIONER BURMAN: I concur.

25 CHAIRMAN RHODES: Commissioner Alesi,

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2 how do you vote?

3 COMMISSIONER ALESI: Aye.

4 CHAIRMAN RHODES: The item is approved  
5 and the recommendations are adopted.

6 We will now move to the third item for  
7 discussion, Item 201, Case 16-M-0610, which is in the  
8 matter of Comprehensive Management and Operations  
9 audits of New York State Electric and Gas Corporation  
10 and Rochester Gas and Electric Corporation, presented  
11 by Jeff Hogan, Deputy Director Management and  
12 Operations Audit.

13 John D'Aloia, Audit Engagement  
14 Director and Elizabeth Katz (phonetic spelling)  
15 Toohey, Audit Project Manager, are available for  
16 questions.

17 CHAIRMAN RHODES: Jeff, please begin.

18 MR. HOGAN: All right. Good morning,  
19 Chair. Good morning, Commissioners.

20 The Draft Order you have before you,  
21 for Case 16-M-0610, authorizes the issuance of the  
22 final report in the comprehensive management and  
23 operations audit, of New York State Electric and Gas  
24 and Rochester Gas and Electric Corporation. NYSEG  
25 and RG&E are affiliates of Avangrid, USA.

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2 In December 2016, you authorized the  
3 issuance of a request for proposal, or R.F.P. from  
4 consultants to conduct -- conduct these audits. The  
5 scope of the audit was primarily focused on the  
6 Companies' construction program, planning processes,  
7 REV and electric-system planning, including outage  
8 readiness and gas-system planning and safety.

9 In April 2017, you approved the  
10 selection of Overland Consulting, to perform the  
11 audits. Overland begun -- began its audit-field work  
12 in June 2017. Throughout the remainder of 2017 and  
13 into 2018, Overland conducted numerous interviews and  
14 asked over 1,200 information requests, to gain an  
15 understanding of how the conduct -- Companies conduct  
16 their business and to identify areas where the  
17 Companies were -- might be able to improve their  
18 processes.

19 This past November, Overland submitted  
20 its final report. While Overland found that the  
21 Companies were generally well-run, with effective  
22 processes in place, they did identify several  
23 opportunities for improvements at NYSEG and at RG&E.  
24 These opportunities are enumerated in the final  
25 report's 81 recommendations to the Companies.

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2 It is important to keep in mind, that  
3 the final report and its findings are the product of  
4 independent consultants and not of Staff. It should  
5 also be re -- be remembered, that the audits  
6 findings, are limited to the areas covered by the  
7 scope of the audit.

8 Our management and operations audits  
9 focus on the processes and procedures a utility has  
10 in place to run its operations. The consultants  
11 bring their ex -- expertise to the audit and  
12 recommend improvement opportunities. These may be  
13 based on best practices, that have been observed in  
14 other utilities within New York, or other  
15 jurisdictions, or even non-utility companies.

16 It is important to note that the audit  
17 is not focused on specific utility performance, over  
18 certain periods of time. For instance, the scope of  
19 the electric outage management portion of this audit,  
20 reviewed the procedures the utilities have in place,  
21 to deal with storms and other possible disruptions to  
22 service. And while the audit finds several  
23 improvement opportunities in this area, which I will  
24 go into shortly, the audit was not a review of the  
25 Companies' performance during any -- any actual storm

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2 event.

3 In fact, the final report states that  
4 the consultants were aware of NYSEG and RG&E's  
5 performance during the 2017 and 2018 -- I -- I'm --  
6 I'm sorry. The -- the consultants were aware that  
7 NYSEG and RG&E's performance, during the 2017 and  
8 2018 storms, was under review by Staff investigations  
9 and that readers of the final report, should turn to  
10 those investigations for insight into how the  
11 utilities implemented their outage-management  
12 procedures.

13 Per the Public Service Law, the core  
14 focus of management and operations audits, is  
15 construction program planning and operational  
16 efficiency. This focus is warranted, given the  
17 capital-intensive nature of our utilities. In  
18 previous management and operations audits of NYSEG  
19 and RG&E, there were concerns regarding a lack of  
20 capital spending controls at the Companies. The  
21 current audit found that those issues have largely  
22 been addressed.

23 There are recommendations in the final  
24 report, which look to improve management oversight  
25 and communication with respect to the prioritization

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2 of capital projects. Overland recommends that the  
3 Companies develop a more robust inner -- enterprise-  
4 wide system, to -- for project and program  
5 management. In addition, the final report recommends  
6 that more robust written procedures are needed, to  
7 document why the prioritization of any particular  
8 project has changed.

9 One area the audit covers, is REV and  
10 electric-system planning. Overland investigated the  
11 Companies' governing structure, supporting the  
12 Commission's REV issues -- initiatives and found that  
13 there was strong support. That said, the final  
14 report does recommend that the Companies develop a  
15 set of indicators, to gauge REV-demonstration project  
16 performance.

17 The final report also recommended that  
18 the Companies should benchmark against -- against REV  
19 best practices used by other New York utilities and  
20 use this framework to effectively assess and  
21 appropriately scale up successful REV-demonstration  
22 projects. The audit also recommends the -- the  
23 Companies should strengthen REV-employee engagement  
24 activated, to -- to promote fundamental knowledge and  
25 good decision-making, at all levels within the

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2 organization.

3 Regarding long-term electric  
4 forecasts, the final report states that the -- states  
5 that the Companies needs to improve the granularity  
6 of those long-term electric forecasts. In addition,  
7 the report found that the Companies should implement  
8 a predictive-asset maintenance and management system.

9 As I mentioned earlier, Overland  
10 assessed the Companies' management and systematic  
11 preparation for outages and other emergency events.  
12 During this review, Overland identified several,  
13 critical-improvement opportunities to important  
14 functions, including outage and emergency planning,  
15 resourcing and event tracking.

16 Overland found that the Companies  
17 should perform additional benchmarking and assess  
18 industry-best practices, for defining and resourcing  
19 support staff roles. The final report states that  
20 supporting-staff roles, were defined generically and  
21 that the lack of clearly-defined roles, could lead to  
22 confusion during activation and could make finding  
23 additional resources more difficult during an event.

24 The final report also states that the  
25 Companies should fully complete the event-activation

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2 process-improvement initiative. Overland stated that  
3 this recommendation should be a priority, as  
4 activation issues could impact event response,  
5 especially in the case of rapidly-developing storms.

6 This initiative will implement a new  
7 mobilization system, that will reduce overlap and  
8 confusion in assigning staff. Overland points out  
9 that such confusion, could lead to delays in  
10 resourcing and require additional work to resolve  
11 conflicts.

12 The audit also found that the  
13 Companies need to improve post-event reporting and  
14 lessons-learned efforts. While the Companies do use  
15 a spreadsheet tool, to track key-event data and  
16 milestones, the final report points out, that there  
17 is not a systemized tool, to allow robust cross-event  
18 comparisons.

19 The other major-scope area of the  
20 audit where recommendations were made, was in regard  
21 to gas-system planning and safety. Here, Overland  
22 reports that the Companies have not completed a  
23 comprehensive gas-strategic plan in recent years and  
24 recommends that a plan for 2019 and beyond, should be  
25 completed.

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2 In addition, the final report  
3 recommends that a Gas Senior Vice President, at the  
4 Avangrid Networks level, should be added, to provide  
5 additional executive-level oversight of the gas  
6 businesses.

7 With regards to the important topic of  
8 gas safety, Overland made several recommendations.  
9 One of these, was that the Companies should  
10 prioritize the replacement of all remaining high-  
11 pressure bare steel and associated services. I'm  
12 sorry. Bare steel main and associated services. In  
13 addition, the final report recommends that the  
14 Companies review and enhance their reporting to the  
15 Federal government.

16 Part of the scope for this audit, re -  
17 - required Overland to assess the potential costs,  
18 risks and benefits associated with implementation of  
19 all of the recommendations made. This type of  
20 analysis can be used, along with the Companies' own  
21 estimates, in determining the appropriateness of the  
22 Utilities' proposed plan to implement the  
23 recommendations.

24 While Overland provided costs from  
25 some of these recommendations, the nature of some of

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2 the proposals do not lend themselves to the  
3 quantification of benefits. We expect that the  
4 benefit-cost analysis, will be further refined  
5 through the implementation phase, as well as being  
6 able to use rate-case quality data during that phase,  
7 to make sure that we get the correct focus, at that  
8 time.

9 The Companies Have submitted comments  
10 regarding the audit. They indicate satisfaction with  
11 the audit process and general agreement with the  
12 audit results. The Companies do note, that some of  
13 the recommend -- the recommendations have become  
14 dated, given the time needed to finalize the report,  
15 but state they will provide relevant plans to address  
16 all of the recommendations in their forthcoming  
17 draft-implementation plan filing.

18 The key next step, is filing -- is the  
19 filing of a draft implementation plan. The Draft  
20 Order requires the Companies to file such a plan  
21 within 30 days of the issuance of the order,  
22 releasing the final report.

23 NYSEG and RG&E will address the  
24 implementation of each specific recommendation  
25 contained in the audit and address whether they

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2 believe the Commission should adopt, reject, or  
3 modify, in whole, or in part, any recommendations.  
4 If the Companies are proposing to not implement any  
5 particular recommendation, they should give their  
6 reasons for opposing the recommendation and any  
7 alternative proposal they may have, to address the  
8 root cause, or spirit and intent of the recommend --  
9 recommendation, which they are rejecting.

10 Staff will work closely with the  
11 Companies in the coming weeks, to ensure that the  
12 implantation plan that is filed, is responsive to the  
13 final report and has a realistic timeline, for  
14 addressing each recommendation.

15 In conclusion, I would like to thank  
16 my staff and the subject-matter experts from the  
17 other offices, for their diligent work on this audit,  
18 over a long period of time. Thank Overland  
19 Consulting for their professionalism and expertise  
20 throughout the audit and NYSEG and RG&E for fostering  
21 a receptive environment, for this audit to take  
22 place. That concludes my presentation.

23 If there are any questions, John  
24 D'Aloia, the Audit's Engagement Director, Betsy  
25 Toohey, the audit's Project Manager and I, will be

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2 glad to assist you.

3 Thank you.

4 CHAIRMAN RHODES: Thank you, Jeff.

5 So, management and operations audits  
6 take a comprehensive look at utilities -- at -- at  
7 their management and at their operations and they're  
8 an essential element, of how we attend to the  
9 capacity to the ability of utilities to serve New  
10 Yorkers well.

11 The -- the focus here was appropriate.  
12 Construction, systems planning, systems readiness.  
13 Those are fundamental and I find that the -- this  
14 report is professionally done and timely and delivers  
15 on its intended scope.

16 I will be supporting the release of  
17 this report and the order of an -- of a -- of the  
18 submission of an implementation plan. Commissioner  
19 Sayre?

20 COMMISSIONER SAYRE: I agree with the  
21 Chair's remarks, whole heartedly.

22 In my view, the Commission's audit  
23 process is working well. Every time we go through  
24 it, the auditors find significant areas for  
25 improvement, for Utilities to -- to develop better

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2 processes and the vast majority of those  
3 recommendations are in fact, agreed to and  
4 implemented by the Utilities. This is another  
5 example of that process. In a field as complex as  
6 utility service, perfection is not achievable.  
7 Continuous improvement, however, is possible and  
8 necessary.

9 NYSEG and RG&E know very well, that  
10 we'll be back again in a few years, for another round  
11 and that's okay. In fact, that's good. That's how  
12 the process works.

13 I support the recommendation.

14 CHAIRMAN RHODES: Thank you.

15 Commissioner Burman?

16 COMMISSIONER BURMAN: Thank you.

17 I -- I was really impressed with  
18 Staff, during this audit process. I thought Staff  
19 worked really well together, plus Staff really worked  
20 well at making sure that Commissioners had the  
21 information and it really was very good.

22 An audit process is one that should,  
23 by its nature, give us information, so that we can  
24 all improve, whether it's the Company, or us, as the  
25 Commission overseeing it. So, I think it was really

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2 helpful.

3 I am going to vote for it.

4 I -- I did just want to note, you  
5 know, two things from -- the -- the final report is  
6 not public yet, is that correct? An --?

7 MR. HOGAN: Yes. That is correct.

8 It would, you know, be issued with the  
9 order, presumably within the next day, or so.

10 COMMISSIONER BURMAN: Okay. So, I --  
11 I won't speak to it, you know, because I -- I do  
12 think it's important that the order itself, comes  
13 out. But I do think it is worth noting, that folks  
14 look through it carefully, rather than just looking  
15 at the order as the be-all and end-all because I do  
16 think that it -- it does tell a -- a good story. It  
17 does tell a positive story and where there are  
18 improvements to be made. It is also a snapshot in  
19 time and so some of those things already may be in  
20 place, or going to be in place, or -- or have -- the  
21 dynamics have changed a little bit. So, for that --  
22 for what it's worth, I do think it's -- it is  
23 important to point out.

24 One of the things that I was also  
25 struck with, was some of the thoughtfulness, in terms

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2 of the auditor focusing on REV and --and also, as an  
3 aside, some of the focus on the natural-gas issues,  
4 like the neighborhood-gas expansions and the  
5 positiveness of the -- how the Company was working on  
6 that, as it -- and -- and also focusing on the non-  
7 pipes alternatives and whether or not there should be  
8 a -- a policy, at -- at the Company, in looking at  
9 when they should be addressing and potential non-  
10 pipes alternatives should be utilized.

11 I do think that is something that we,  
12 as a Commission -- and -- and I've spoken publicly on  
13 this, we as a Commission have been grappled with, as  
14 well, in terms of what is the standard, so you don't  
15 go down that rabbit hole, focused on that. But  
16 overall, I think it really gave us a lot and will  
17 give the Company a lot to -- to work with.

18 So, thank you very much and I really  
19 do want to give kudos to Staff.

20 So, thanks.

21 CHAIRMAN RHODES: Thank you.

22 Commissioner Alesi?

23 COMMISSIONER ALESI: Thank you, Mr.

24 Chairman.

25 I think -- first of all, thanks for

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2 your good work, as always and I should state that we  
3 and the -- the public, in general, probably sometimes  
4 hears nothing but all the bad news about the  
5 utilities that provide crucial services to us, in  
6 this state. So, this is one of those times I think  
7 the overview is, that it seems to be that these are  
8 very well-run companies, at least from the report,  
9 with some room for improvement, which you would  
10 expect. But, it's encouraging and I think the report  
11 is well received.

12 I'll be supporting it.

13 CHAIRMAN RHODES: Thank you.

14 With that, I will proceed to call for  
15 a vote.

16 My own vote is in favor of the  
17 recommendation to release the audit report and direct  
18 the Companies to file an implementation plan, as  
19 discussed.

20 Commissioner Sayre, how do you vote?

21 COMMISSIONER SAYER: Aye.

22 CHAIRMAN RHODES: Commissioner Burman,  
23 how do you vote?

24 COMMISSIONER BURMAN: Yes.

25 CHAIRMAN RHODES: Commissioner Alesi,

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2 how do you vote?

3 COMMISSIONER ALESI: Aye.

4 CHAIRMAN RHODES: The item is approved  
5 and the recommendation is adopted.

6 We will move to the four -- fourth  
7 case, for -- fourth item for discussion. Item 301,  
8 Case 18-E-0138, as it relates to the consensus  
9 proposal for direct-current fast-charging for  
10 electric vehicles, presented by Mary Ann Sorrentino,  
11 Acting Chief Electric Rates and Tariffs.

12 Christopher Graves, Principal  
13 Economist and Bridget Woebbe, Assistant Counsel, are  
14 available for questions.

15 MR. GRAVES: Fair enough.

16 CHAIRMAN RHODES: Mary Ann, please  
17 begin.

18 MS. SORRENTINO: Good morning, Chair  
19 Rhodes and Commissioners. Item 301 is a Draft Order,  
20 implementing a per-plug incentive program, at each of  
21 New York's electric investor-owned utilities. The  
22 per-plug incentive program is intended to encourage  
23 development of a publicly-accessible direct-current  
24 fast-charging, or DCFC network, to support electric-  
25 vehicle use and adoption.

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2 By implementing this program, the  
3 Commission is addressing the corn -- con -- consensus  
4 proposal, to encourage statewide deployment of  
5 direct-current fast-charging facilities, for EV's,  
6 filed by Central Hudson, Con Ed, NYSEG, NYPA, the  
7 DEC, the DOT, NYSERDA, the Thruway Authority,  
8 National Grid, Orange and Rockland and Rochester Gas  
9 and Electric, or the consensus parties.

10 The Draft Order also addresses the  
11 joint petition for immediate and long-term rate  
12 relief, to encourage statewide deployment of DCFC  
13 facilities, for EV's, filed by NYPA, the DEC, the DOT  
14 and the Thruway Authority, or the joint petitioners.  
15 The joint petitioners requested the Commission  
16 commence proceeding, to establish principals, to  
17 guide investor-owned utilities in redesigning rates,  
18 applicable to DCFC accounts.

19 The joint petitioners indicate that  
20 the amount of electricity used and the applicable  
21 electric tariff, are primary drivers of DCFC  
22 operating costs, noting that stations take service  
23 under service classes, that include both demand and  
24 energy-charge components. The joint petitioners  
25 stated that when DCFC station-utilization rates are

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2 very low, demand charges can account for up to 90  
3 percent of a station's monthly electricity bill, in  
4 New York.

5 The joint petitioner, therefore,  
6 requested the Commission direct investor-owned  
7 utilities, to modify their tariffs to provide  
8 immediate relief for DCFC stations. Specifically,  
9 the joint petitioners requested the DCFC stations be  
10 allowed to qualify for service, under a non-demand  
11 billed service classification, be exempt from any  
12 kilowatt, or kilowatt-hour limits that would  
13 jeopardize their entitlement, to take non-demand  
14 billed service and be provided a one-time opportunity  
15 to elect to take service under the applicable demand-  
16 billed service classification.

17 Shortly after the joint petition was  
18 filed, the Commission commenced a proceeding to  
19 consider the role of electric utilities and providing  
20 infrastructure and rate-design options, to ensure  
21 that the utilities EV readiness framework, can meet  
22 the future EV market development and accommodate the  
23 needs for electricity demand of electric-vehicle  
24 supply equipment and infrastructure. The  
25 commencement of this proceeding, satisfies the joint

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2 petitioner's broader request.

3 Staff, in coordination with NYSERDA,  
4 convened a technical conference, in July of 2018, to  
5 consider the various topics outlined by the  
6 Commission in its order, instituting the proceeding.  
7 Rate design was highlighted as a critical issue, for  
8 DCFC development and Staff hosted a working-group  
9 meeting to discuss rate-design principals, on  
10 September 21st.

11 At that meeting, Con Edison proposed  
12 an annual per-plug incentive program, to offset  
13 operating costs, for DCFC stations. This per-plug  
14 incentive was designed to provide a combined benefit,  
15 in conjunction with the delivery-rate discount,  
16 offered under Con Edison's exiting EV quick-charging  
17 station business-incentive rate.

18 After the rate-design working-group  
19 meeting, the joint utilities, NYPA, NYSERDA, the City  
20 of New York, the UIU and Long Island Power Authority,  
21 collaborated in the development of this consensus  
22 proposal. The consensus parties explained that the  
23 per-plug incentive program contained in the proposal,  
24 provides for limited-term cost relief for DCFC  
25 stations, to address the short-term economic

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2 challenges associated with low-station utilization  
3 levels and are of appropriate size and scope, to  
4 encourage the development of DCFC infrastructure, in  
5 line with supporting the State's ZEV goals of 800,000  
6 ZEV vehicles, in New York State, by 2025.

7 The consensus parties urge the  
8 Commission to approve the proposed incentive program,  
9 as an appropriate measure, that balances the public  
10 policy of increasing EV adoption, as a tool to  
11 support clean-energy goals, with the interest of  
12 maintaining the integrity of cost-based rate design.

13 The per-plug incentive in the Draft  
14 Order adopts many of the provisions contained in the  
15 consensus proposal. Specifically, the Draft Order  
16 adopts a per-plug incentive program that is available  
17 to 1,074 new publicly-available DCFC plugs, across  
18 the utility-service territories.

19 Plugs must have a minimum  
20 simultaneous-charging capability, of 50 kilowatts to  
21 qualify for the program and to incent installation of  
22 faster-charging plugs, higher incentives are provided  
23 to plugs with a minimum simultaneous-charging  
24 capability of 75 kilowatts. The program lasts for 7  
25 years and provides an annual declining per-plug

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2 incentive to DCFC owners, that is to be paid, after  
3 each complete year of electric service.

4 The Draft Order also address --  
5 addresses some notable differences in the utility  
6 specific programs contained in the consensus  
7 proposal. For example, pursuant to the consensus  
8 proposal, the Con Ed and Orange and Rockland per-plug  
9 incentives, were designed to provide a combined  
10 benefit, in conjunction with delivery-rate discounts,  
11 offered under the business-incentive rate and  
12 economic-development rate, respectively, whereas the  
13 other utilities' per-plug incentives were designed,  
14 assuming that DCFC stations, will not receive other  
15 delivery-rate discounts.

16 The Commission approved Con Ed's EV  
17 quick -- quick-charging station program business-  
18 incentive rate, in April of last year. Orange and  
19 Rockland does not currently have a similar EDR  
20 program, but requests implementing one in the  
21 consensus proposal.

22 The Draft Order rejects Orange and  
23 Rockland's EDR proposal and instead adopts a per-plug  
24 incentive that is sized to incent development,  
25 without such a rate discount. The Draft Order does,

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2 however, approve Con Edison's proposals, to eliminate  
3 the requirement that economic incentives be received  
4 from other governmental authorities, to qualify for  
5 the EV quick-charging station component of its BIR  
6 and to broaden the applicability, such that  
7 governmental entities may qualify for the discount.  
8 As such, entities will be providing a direct-capital  
9 investment, to build critical infrastructure, that  
10 will be used to serve the public's charging need.

11 The Con Ed and Orange and Rockland  
12 programs, in the consensus proposal, were also  
13 unique, in that they contain a separate load-factor  
14 incentive, whereby station owners would earn a 500  
15 dollar incentive annually, for achieving a 5 percent  
16 load factor and 1,500 dollars annually, for achieving  
17 a 10 percent load factor. The Draft Order finds the  
18 load-factor incentive, to be unnecessary at this  
19 time, as station owners have a natural incentive to  
20 max -- to maximize station utilization.

21 In addition to these differences, Con  
22 Edison, Orange and Rockland and Central Hudson  
23 propose to provide initial incentives, at the maximum  
24 value, independent of when a DCFC station qualifies  
25 for the program. NYSEG, RG&E and National Grid,

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2 however, tied the initial incentive-payment amounts  
3 to the year, in which the station qualifies for the  
4 program.

5 To capture cost savings from -- from  
6 potential technology-cost declines, the Draft Order  
7 requires that initial incentive amounts, be tied to  
8 the year, in which the station qualifies for the  
9 program. The Draft Order also establishes a cap, on  
10 incentive payments, such that each station's annual  
11 incentive payment cannot exceed the station's total-  
12 delivery cost for the 12-month billing period, for  
13 which the incentive is provided, similar to the NYSEG  
14 and RG&E proposals.

15 Finally, the utility-specific programs  
16 contained in the consensus proposal, include a  
17 variety of mechanisms, to recover the costs  
18 associated with incentive payments, such as the use  
19 of deferrals, surcharges and the revenue-decoupling  
20 mechanism.

21 The Draft Order provides funding for  
22 the incentive programs, using a combination of  
23 NYSERDA-legacy funds and a new surcharge to be  
24 assessed to customer groups, that did not contribute  
25 to such funds. In addition to these modifications,

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2 the Draft Order expands the public-accessibility  
3 qualification criteria, expands reporting  
4 requirements and establishes an interim review, that  
5 will allow the Commission to evaluate the success of  
6 the program and to make any prudent changes. This  
7 concludes my presentation of the Draft Order.

8 Chris Graves, Bridget Woebbe and I,  
9 are available to answer any questions you may have.

10 CHAIRMAN RHODES: Thank you, Mary Ann.

11 A complicated topic, but, you know, my  
12 take is that the portfolio of actions that the order  
13 proposes, are practical and smart and timely steps,  
14 to enable new and needed infrastructure, at sensible  
15 budgets and at sensible payment structures. And it  
16 puts a wide range of partners in a position, to  
17 invest their money in our agenda, for the benefit of  
18 all New Yorkers.

19 I'm going to support this item.

20 Commissioner Sayer?

21 COMMISSIONER SAYER: In my view, the  
22 increasing electrification of transportation, is  
23 obviously going to be good for the environment. But  
24 I also see it as good for utilities and for  
25 customers. For utilities, the additional electricity

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2 demand, will provide more revenues and that reduces  
3 the burden, on utility customers.

4 But EVs, as is well-known, have a  
5 chicken and an egg problem. Chargers aren't being  
6 built because there aren't enough EV's and EV's  
7 aren't being bought because there aren't enough  
8 chargers.

9 This item helps us get out of that  
10 cycle and also addresses one of the issues of EV  
11 adoption, which is the amount of time that it takes  
12 to charge vehicles, while away from home base. It  
13 focusses on -- on high-capacity charging.

14 This order is far from the end of the  
15 road of the Commission's consideration of  
16 transportation electrification, but it takes us a few  
17 good steps in the right direction.

18 I support it.

19 CHAIRMAN RHODES: Commissioner Burman?

20 COMMISSIONER BURMAN: Thank you.

21 So, just a couple of points.

22 In April -- at the April session, I  
23 voted in concurrence with -- voting for this item,  
24 the generic proceeding, to open this. I did not vote  
25 for the Con Ed BIR I was concerned why we were doing

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2 that, at the time, when we were opening a generic  
3 proceeding, looking at EV's and it didn't make sense  
4 to me and in light of the fact that there are now  
5 significant changes, to -- or modifications, to the  
6 Con Ed BIR, as well as a denial of the O and R BIR  
7 filed, as well as folding in the petition -- the NYPA  
8 petition to this, I didn't think it was prudent at  
9 the time, in April, to be addressing that,  
10 separately. And so, I think in actuality my  
11 decision, at that time, to say no to that, was one  
12 that I feel even-more comfortable with.

13 I am -- I -- I -- I -- I am  
14 comfortable with aspects of this. I think Staff did  
15 a really good job, frankly, of trying to make sure  
16 that consumers were protected here and also trying to  
17 weave a fine line, on what was appropriate to help  
18 jump start this market, understanding that we were  
19 really putting forth, kind of a half loaf and we  
20 still have a lot more to do.

21 I -- I -- I struggle with this item,  
22 the way I struggled with it back in April at session  
23 and I went back to the April transcript, to remind  
24 myself, if I was correct in -- or if my answers -- my  
25 questions to my answers had been alleviated by this

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2 item and some were, but many weren't. The ones that  
3 weren't, really related to NYPA's role, the Utility's  
4 role, long term and the V.W. settlement and the  
5 funding with that.

6 Let's talk first about the V.W.  
7 settlement. Part of my concern and the reason I'm  
8 focused on it, is that while I understand there's a  
9 separate track for that and I'm not looking to get  
10 involved in stuff that's outside of our jurisdiction,  
11 I don't think it's appropriate, nor prudent to do so.  
12 To the extent that it complements us and also that  
13 our state policies, as they affect other state  
14 agencies and state parties and those that are in --  
15 that are under our jurisdiction, are affected, it --  
16 it is extremely important and it's extremely  
17 important that we are complimenting each other, in a  
18 way that makes sense.

19 Here, we're talking about taking  
20 unencumbered legacy funds, that seem to never ever be  
21 ending over at NYSERDA and utilizing them now, for  
22 part of this, for the -- the -- the monies here. But  
23 there have been a number of different focus points  
24 that have been focused on, monies from the V.W.  
25 settlement, NYPA's also issued press releases, or at

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2 least one, on 250 million dollars for electric  
3 vehicles. And I think I saw something the other day,  
4 on some other fast-charging stations and things that  
5 they're doing.

6 And to the extent that those trip into  
7 our jurisdiction, I do think it's important that I  
8 fully understand those funding streams, those  
9 mechanisms and exactly what -- how they align, or  
10 don't, how separate they are, or not from us because  
11 one of my sort of focuses, is I want to make sure  
12 that whatever the -- the pots of money that are  
13 getting used, are being used in a way that helps to  
14 do it, in a thoughtful way, in a way that is working  
15 and that -- at the end of the day, we don't say, oh,  
16 we -- we -- we -- we didn't use it effectively. We  
17 were working across purposes. We had a lot of  
18 administrative-overhead costs, that we could have,  
19 you know, done differently. And, by the way, we were  
20 using rate-payer funding, when we should have been  
21 using maybe someone -- some other pot of funding.  
22 And to the extent that that is important for me,  
23 before we dip into the rate-payer funding, I want to  
24 make sure that we're -- we're utilizing it.

25 Now, I do understand that some of the

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2 Volkswagen settlement funding, would be used for  
3 other things that are outside of our wheelhouse, as  
4 it relates to transportation but you can't really  
5 separate a lot of that because it is aligned, some of  
6 these initiatives. So, it's a little -- sort of this  
7 gray-area confusion. So, those are some of the  
8 questions I was hoping was getting answered, when we  
9 talked about and the order talks itself, about the  
10 white paper that would come out from Staff, that  
11 would address that.

12 So, I look at this now, this order,  
13 more as an interim order because this order that  
14 we're looking at today, is looking at that white  
15 paper that we talked about, in the April order, now  
16 being done. I don't remember -- there's no time line  
17 for that paper, right?

18 MS. WOEBBE: That's correct.

19 There's no specific time line, or due  
20 date, for the Staff's white paper.

21 COMMISSIONER BURMAN: Okay. I think I  
22 might have a sign soon that says no white papers.

23 So, the thing for me is that I fear  
24 that the failure to know where it will fit, will go  
25 into the ever-increasing bucket of white-papers

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2 reports, that sometimes will either wind up in other  
3 proceedings, or drop unexpectedly, or somehow doesn't  
4 necessarily get the right attention, that -- that it  
5 should be, or may wind up in this case, not getting  
6 seen until the interim-review process, which isn't  
7 until 2023 and I'm concerned about that 2023 review.

8 The reason I'm concerned, is this  
9 really is only dealing with -- this order's really  
10 only dealing with the DCFC, right? It's not dealing  
11 with the larger make-ready issues, grid-integration  
12 issues, all of those different sort of issues, that I  
13 think, are percolating. Utility-ownership issues,  
14 which are -- are, I think, needing to be tackled.  
15 How it fits in terms of energy planning itself,  
16 working with other entities, etcetera.

17 And -- and, to the extent that without  
18 it being necessarily clearer, especially as it  
19 relates to other state agencies and others having  
20 some hand in it, I fear that these things will get  
21 done, without the benefit of the Commission's thought  
22 process. And so, these -- the white paper may wind  
23 up being a compilation of other things being done,  
24 outside of us having weighed in.

25 And so Staff, I really would like to

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2 have more of an understanding of exactly what we're  
3 asking you to do, in what time, rather than just  
4 okay, take care of doing this because maybe it's just  
5 make work that doesn't need to be, or giving more of  
6 a leadership in what we, as the Commission, are  
7 looking to do. Because the proceeding itself, when  
8 it was done, one of my concerns had been that it was  
9 a little bit clunky on exactly what we're asking and  
10 we had a whole host of comments, or questions that we  
11 were seeking to identify and we're still -- we're  
12 still kind of working through that.

13 However, what I will say, I do think,  
14 that as to the DCFC, you have weaved a very good --  
15 taken the consensus proposal and weaved a very-good  
16 modification to it and have really tried to address  
17 that issue, in a way that I think makes sense.

18 Now, let's look at the concerns I  
19 have, as it relates to NYPA. NYPA has a lot in this  
20 space, not only the 250 million EV demos. There's  
21 been other things.

22 My concern, is we don't oversee NYPA.  
23 So, to the extent that we are also giving them this,  
24 through the DCFC, I want to see some of the  
25 accountability and this gets to, I mean, the larger

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2 issue and I've talked about this before. I do think  
3 that -- and while we know -- we've talked about this,  
4 while we know that NYPA does volunteer -- voluntarily  
5 agree, to be a part of many of our programs, CES,  
6 etcetera and in here, they're going to have to come  
7 under the hood and -- and look because we identify it  
8 clearly, that, you know, they're -- they haven't paid  
9 and they're going to have to.

10 We do need to look at some of the  
11 things that we would be able to get, if they were a  
12 jurisdictional utility and I think that is important  
13 because it's not enough that they just are captured  
14 through the monetary aspect of it, but to the extent  
15 that they also are being looked at for this purposes  
16 also, in -- in being able to give to the Commission  
17 itself, information that we would get also from a  
18 utility, especially as we're looking at it, in -- in  
19 what makes sense, as we go into what the role is of  
20 the utility, or in -- in this case, NYPA and -- and  
21 LIPA frankly. I think it's important.

22 The change to Con Ed's BIR, as it  
23 relates to -- there were three things -- substantive  
24 changes, including -- one was the elimination of the  
25 government-incentive requirement. The second was --

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2 the second was permitting government participation  
3 and the third was extending the date from December  
4 31st -- or, I -- extending it from December 31st,  
5 from the current date of April 30th.

6 So, the third date is fine. I  
7 understand the -- the extension. The two that relate  
8 to the elimination of the government-incentive  
9 requirement and permitting government participation,  
10 can you explain why we're choosing to -- to do those  
11 changes?

12 MS. WOEBBE: Yes.

13 So, this BIR has been open to electric  
14 vehicle-quick-charging station developers, since  
15 April and that market has not materialized. The  
16 private developers have not shown up and built these  
17 DCFC stations, in the numbers that we need them, in  
18 order to meet our zero-emissions vehicle goals.

19 Removing the restrictions, really  
20 allow site hosts that are providing a direct capital  
21 investment, by building the critical infrastructure,  
22 to receive the appropriate incentive to deliver the  
23 public good of the DCFC, being available. So, in  
24 terms of government entities being eligible to  
25 receive the business-incentive rate, those government

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2 entities are DCFC station hosts and developers,  
3 making capital contributions to this public  
4 infrastructure.

5 COMMISSIONER BURMAN: Okay. So, the  
6 reason I have concern, or at least pause for concern,  
7 is that that really means that now, it could be that  
8 government entities, rather than private entities,  
9 are able to access this. Not necessarily a bad  
10 thing, but it may mean that, for example and it  
11 sounds like I'm beating up on NYPA, but I probably am  
12 at this point, NYPA could take advantage of that.

13 Now, that would mean, to me, I want to  
14 have -- because -- I want to have a -- a -- I want  
15 them to show like a private customer -- private  
16 participant, they would have an incentive. They  
17 wouldn't -- they wouldn't want to participate, unless  
18 they were actually going to be having a lot of people  
19 using them, right?

20 I'm not -- I don't necessarily know if  
21 that would be NYPA's incentive. So, we want to be  
22 able to make sure, that they're not just utilizing it  
23 in a way that then says, check the box. We've now  
24 gotten people to participate and not necessarily  
25 caring.

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2 We want to make sure that that  
3 connection is there, right? So, we also want to make  
4 sure that they're not -- not only -- I mean, we -- we  
5 -- the wrap is -- is in EVgo in the -- in this -- in  
6 this proceeding, I think very eloquently explained  
7 what a lot of people's concerns are, rightly, or  
8 wrongly, is that NYPA does seem to crowd the market,  
9 in a way that makes them feel that they're -- that --  
10 that they can't have a role in the market, which is -  
11 - EVgo talked in -- in one of their filings, in this  
12 proceeding, that that's why they didn't put in an  
13 R.F.P. in the J.F.K. item.

14 So, here I am, looking now at  
15 recognizing that we are changing -- modifying the  
16 C.I. -- Con Ed's BIR, to be helpful to government  
17 entities, which would include NYPA, LIPA, SUNY, I  
18 guess, others. I mean, it's not just them. But in  
19 the space, we need to be mindful, that we are not  
20 necessarily then just making it easy to just go to  
21 the government entities, to get the participation, to  
22 be able to show the success, versus figuring out what  
23 the issue is, on the private side. So, that's why I  
24 just flag -- that's a concern of mine.

25 MS. SORRENTINO: So, Staff recognizes

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2 and appreciates that concern and you know, one of the  
3 goals of the REV, is to only step forth, when the  
4 market place has not yet materialized.

5 For these 7-year policy goals, we  
6 think it's appropriate to open up the business-  
7 incentive rate, to allow government entity  
8 participation. The stations that are built by any  
9 government entities, will be subject to the same  
10 data-reporting requirements, as the private-market  
11 participants will be. And, so that station data is  
12 going to inform future Commission action, regarding  
13 government ownership and it will help, with deciding  
14 utility-ownership levels, as well.

15 So, as far as accountability goes, in  
16 order to receive the benefit of this incentive  
17 program, all participants, whether they be private-  
18 market developers, or a government entity, are  
19 subject to the same station data-reporting  
20 requirements.

21 COMMISSIONER BURMAN: Okay. I think  
22 that's excellent.

23 Thank you. That's very helpful.

24 And -- and as to, you know, the J.F.K.  
25 Airport reference, which was -- which was EVgo's

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2 comments, the only thing I will say, is as to DCFC --  
3 DCFC's, I would really think that they would not be  
4 at airports, at least at where folks are going and  
5 dropping off their car, to get on a plane.

6 It's very different, you know, I mean,  
7 that to me, you won't want them there. You want  
8 charging stations there, but you -- at least in long-  
9 term parking, you don't need a -- a fast-charging  
10 station.

11 UNIDENTIFIED SPEAKER: That's correct.

12 MS. WOEBBE: I don't think any  
13 developers would disagree with you.

14 COMMISSIONER BURMAN: Right.

15 Okay. So, I just wanted to -- the  
16 EVgo's comment, was really on a more-generic process,  
17 with the EV charging stations, in general. So --.

18 MS. WOEBBE: Yes.

19 EVgo's comment and NYPA's reply, which  
20 are filed in this docket, is not really very specific  
21 to the DCFC program incentive, that this order  
22 recommends.

23 COMMISSIONER BURMAN: Right.

24 MS. WOEBBE: It's -- it's more about  
25 NYPA's R.F.P. process, in general.

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2 COMMISSIONER BURMAN: Yeah.

3 And I think -- I think it's -- it's --  
4 I think it -- it's well noted and I think it's  
5 something that I think -- I think we should take note  
6 of, just to the extent, that that is something that I  
7 think many folks also have a concern about. NYPA,  
8 itself, doesn't want to crowd the market,  
9 inappropriately and so therefore, we need to be  
10 mindful of making sure that we're doing everything to  
11 -- to -- to make sure that the market is robust and  
12 need to take a look at that and it -- it happens in  
13 other spaces too and so, it's something for us to  
14 consider. Okay. Thank you.

15 So, I did -- I addressed the -- the --  
16 the money issue. I will say we looked at that. We  
17 looked at the BIR changes, my concerns, EVgo's  
18 concerns on crowding the market, the D.C.-V.W.  
19 settlement issues, the Staff white paper and the  
20 interim-re -- review process, which I think is too  
21 long of a review process.

22 I do know that they're filing annual  
23 60-days reports, but I do think that as to the DCFC,  
24 I -- I get that. As to the larger EV issues and what  
25 we're doing, especially as it relates, overall, I

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2 would like to see that. I believe it would be in  
3 other tracks, too, but I think it is important for us  
4 to consider how that fits and make sure that we're  
5 clear about that, especially my mantra on the  
6 different proceedings that things seem to pop and to  
7 make sure we're carefully looking at that.

8 I do want to note something and -- and  
9 this is just meant for thoughtful comments, not as  
10 criticism on the consensus proposal. I did very-  
11 carefully look to make sure how the consensus  
12 proposal came through. It was during an open  
13 working-group meeting, that was noticed -- a  
14 stakeholder meeting that was noticed by the parties.  
15 The parties were there. It was presented. There was  
16 a Power-Point presentation. Folks got together, did  
17 look at it and it did involve several different --  
18 several different stakeholders, from the -- the  
19 proceeding. However, I do think that we do need to  
20 be -- and then consensus proposal, when finalized,  
21 was submitted, put on DMM and then 2 days later, it  
22 was issued for comments by the Secretary.

23 I do think that we do need to be  
24 mindful of noting for others, that -- that --  
25 flagging, that there are discussions among parties,

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2 especially when those parties involved state  
3 agencies, that they are engaged in -- in discussions  
4 that may lead to some joint-consensus proposals. We  
5 do have, you know, we do have processes and  
6 regulations in place when we're dealing with  
7 settlement discussions, but we don't really have,  
8 when we're dealing -- in this particular matter, it  
9 was followed, at least to the extent that there was a  
10 pathway, when looking at it from the open process,  
11 through the -- the meeting itself.

12 But, I do just note that, you know, we  
13 do need to be mindful. We should take extra  
14 precautions, especially when State agencies are  
15 involved and especially when we take up that  
16 consensus proposal, so quickly after and put it out  
17 there and then adopt it, with modifications. It is  
18 something that, I think, I would rather play safer,  
19 rather than, you know, loose on the issue. So, it's  
20 something I just wanted to flag for folks.

21 Thank you.

22 I will be voting in -- in concurrence  
23 with the item. Thanks.

24 CHAIRMAN RHODES: Thank you very much.

25 Commissioner Alesi?

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2 Sorry. I caught you coughing.

3 COMMISSIONER ALESI: Thank you, Mr.  
4 Chairman.

5 I'm going to support this effort. I  
6 think it's exciting, in a way, to look down the road,  
7 no pun intended and see more and more energy-  
8 efficient electric vehicles out there.

9 I think the competition will start to  
10 become more and more fierce, as those that sell and  
11 marked gasoline-powered engines, are going to respond  
12 to this, but we have to do it anyways and then let  
13 the marketplace decide.

14 But if you look at what has happened  
15 with cell phones and I know I travel quite a bit,  
16 maybe a year and a half ago, 2-years ago, if you're  
17 in an airport, you couldn't find a single place where  
18 you could plug in your cell phone to charge it. Now,  
19 they're pretty much everywhere. You go in a coffee  
20 shop, you go in a grocery store, you definitely go in  
21 a -- mass-transit hubs and there are places to charge  
22 your phones, literally everywhere. Why is that?  
23 Because of the market demanding that opportunity.

24 So, if we give this a little bit of a  
25 leg up, then the market will probably start to feel

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2 more comfortable, with the -- the growth of electric  
3 vehicles and this is what will be necessary to help  
4 that growth go along.

5 So, of course, I'll support it and  
6 look forward to doing more things of this nature,  
7 that will help us get into the future, as we look at  
8 our environment, as a safe and healthy place to live.

9 CHAIRMAN RHODES: Thank you very much.  
10 With that, I will proceed to call for  
11 a vote.

12 My own vote is in favor of the  
13 recommendation to adopt the consensus proposal, with  
14 mod -- with modifications, as discussed.  
15 Commissioner Sayer, how do you vote?

16 COMMISSIONER SAYER: Aye.

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

19 COMMISSIONER BURMAN: I concur.

20 CHAIRMAN RHODES: Commissioner Alesi,  
21 how do you vote?

22 COMMISSIONER ALESI: Aye.

23 CHAIRMAN RHODES: The item is approved  
24 and the recommendation is adopted.

25 We will now move to the consent

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2 agenda.

3 Do any Commissioners wish to comment  
4 on, or recuse from -- from voting on any items on the  
5 consent agenda?

6 COMMISSIONER SAYRE: No.

7 CHAIRMAN RHODES: Commissioner Burman?

8 COMMISSIONER BURMAN: Yes.

9 I am --.

10 CHAIRMAN RHODES: Okay. It can wait.

11 Sorry.

12 COMMISSIONER BURMAN: That's all

13 right.

14 CHAIRMAN RHODES: Immature.

15 COMMISSIONER BURMAN: I am going to  
16 be, on Item 368 concurring, on Item 562 concurring,  
17 on Item 563 for the 6th time, I will be voting no.

18 CHAIRMAN RHODES: Commissioner Alesi?

19 COMMISSIONER ALESI: Nothing.

20 CHAIRMAN RHODES: With that, I will  
21 proceed to vote -- to call for a vote.

22 My own vote is in favor of the  
23 recommendations on the consent agenda.

24 Commissioner Sayer?

25 MS. SAYER: Aye.

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2 CHAIRMAN RHODES: Commissioner Burman?

3 COMMISSIONER BURMAN: Aye, except for  
4 the ones I noted.

5 CHAIRMAN RHODES: As noted.

6 Thank you.

7 Commissioner Alesi?

8 COMMISSIONER ALESI: Aye.

9 CHAIRMAN RHODES: The items are  
10 approved and the recommendations are adopted.

11 Commissioner Burman, may I give you  
12 the floor?

13 COMMISSIONER BURMAN: Sure.

14 Thank you so much for letting me  
15 speak.

16 As February is Black History Month,  
17 I'm honored to have been chosen to make a few  
18 comments to recognize an amazing woman, I never knew,  
19 but admire greatly. Her name was Carmel Carrington  
20 Marr.

21 Ms. Carrington Marr was a Republican,  
22 appointed by Rockefeller. She was both the first  
23 woman and the first African American appointed as a  
24 Commissioner of the New York Public Service  
25 Commission. She served from 1971 to 1986. She was

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2 also the Chair of the Committee on Gas.

3 She sat on numerous committees,  
4 including the U.S. Department of Transportation,  
5 Technical Pipeline Safety Standards Committee and Gas  
6 Research Institute Advisory Council. She was an  
7 accomplished attorney, civic-minded volunteer and the  
8 beloved mother of 2 boys.

9 She was also the first African  
10 American woman appointed to the permanent staff of  
11 the U.S. Mission to the United Nations. Ms.  
12 Carrington Marr set a high bar, for all regulators,  
13 that continues today.

14 I keep her legacy close, to remind me  
15 of the true essence of public service. She helped to  
16 make my road easier here. I thank her for her  
17 dedication to public service and it's fitting that we  
18 honor her on Black History Month.

19 Thank you.

20 CHAIRMAN RHODES: Here. Here.

21 Thank you very much.

22 It's -- it's great to contemplate. It  
23 really is.

24 So, anti-climatically, I will now call  
25 for an adjournment.

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2 Thank you very much.

3 Sorry. Excuse me.

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

6 SECRETARY BURGESS: There is nothing  
7 further --

8 CHAIRMAN RHODES: Okay.

9 SECRETARY BURGESS: -- to come before  
10 you today.

11 CHAIRMAN RHODES: Well, with then --  
12 with that, I now adjourn. Thank you.

13 (The meeting adjourned.)

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2 STATE OF NEW YORK

3 I, DONNA LaFOREST, do hereby certify that the foregoing  
4 was reported by me, in the cause, at the time and place,  
5 as stated in the caption hereto, at Page 1 hereof; that  
6 the foregoing typewritten transcription consisting of  
7 pages 1 through 99, is a true record of all proceedings  
8 had at the hearing.

9 IN WITNESS WHEREOF, I have hereunto  
10 subscribed my name, this the 13th day of February, 2019.

11

12

13 DONNA LaFOREST, Reporter

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