

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

CASE 15-E-0082 - Proceeding on Motion of the Commission as to the Policies, Requirements and Conditions for Implementing a Community Net Metering Program.

RULING GRANTING IN PART AND DENYING IN PART
REQUEST FOR EXTENSION OF TIME

(Issued September 9, 2015)

On August 17, 2015, Consolidated Edison Company of New York, Inc., Orange and Rockland Utilities, Inc., Central Hudson Gas and Electric, Niagara Mohawk Power Corporation d/b/a National Grid, New York State Electric and Gas Corporation, and Rochester Gas and Electric Corporation (the Joint Utilities) filed a Request for Extension of Time in the above-referenced docket seeking an extension of time to file proposed tariff amendments pursuant to the Order Establishing a Community Distributed Generation Program and Making Other Findings (Order), issued July 17, 2015 in this proceeding. On the same day, Consolidated Edison Company of New York, Inc., Orange and Rockland Utilities, Inc., Central Hudson Gas and Electric Corporation, and Niagara Mohawk Power Corporation d/b/a National Grid (the Indicated Joint Utilities) filed a Petition for Clarification and Reconsideration of the Order (Petition).

On August 21, 2015, the Secretary to the Commission issued a Notice with Respect to Petition for Reconsideration and Request for an Extension of Time, which solicited responses to both filings. Responses to the Request for Extension were due on August 26, 2015 while responses to the Petition are due on September 21, 2015. The Solar Energy Industries Association (SEIA) submitted a response opposing the Request for Extension on August 26, 2015. No other responses to the Request for Extension were received.

The Order established a deadline of September 15, 2015 for the filing of proposed tariff amendments to implement a Community Distributed Generation (Community DG) Program with an effective date of October 19, 2015. The Joint Utilities seek an extension of that deadline to at least thirty days after the resolution of the Petition. They request this extension because, they contend, the subject matter of the Petition directly affects the tariff amendments. In addition, they note that Staff and the Joint Utilities have agreed to postpone the effective dates of amendments to remote net metering tariffs to September 21, 2015.¹ The Joint Utilities cite this postponement, as well as the September 21, 2015 comment date regarding Community DG Program implementation set for this proceeding by the State Administrative Procedure Act (SAPA) Notice published in the New York State Register on August 5, 2015, as further justification for an extension of time for the filings of the proposed tariff amendments directed in the Order.

SEIA opposes the Request for Extension, explaining that the requested postponement would delay the start of the Community DG Program by several months, contrary to the Commission's intention to launch the Program this year. Noting that the Order rejected suggestions that the Community DG Program be delayed until the resolution of related issues in the Reforming the Energy Vision proceeding, SEIA also states that linking the Community DG Program tariffs to the remote net metering tariff effective date is unnecessary and could create uncertainty.

In the Order, the Commission determined that Community DG Program details have been sufficiently developed such that it

¹ A Further Postponement of Tariff Filing applicable to each utility was issued in Cases 14-E-0151 and 14-E-0422, several on August 11, 2015 followed by another issued on August 19, 2015.

can be implemented this Fall and create substantial value for customers. Neither the Petition nor the Request for Extension argues that the Program cannot be implemented or would fail to benefit customers if commenced before the Petition is decided. Staying the requirements of the Order until the resolution of the Petition would therefore delay implementation of a valuable program without sufficient justification.

However, both the implementation of the remote net metering tariff amendments and comments solicited under SAPA may offer useful input for the development of Community DG Program tariffs. Furthermore, the filing date can be postponed to after September 21, 2015 without delaying the overall implementation of the Community DG Program.

For the foregoing reasons, the Joint Utilities' Request for Extension is granted in part, by an extension of the deadline for the filing of proposed Community DG tariff amendments in compliance with the Order to September 28, 2015, and is otherwise denied. The effective date of such tariff amendments will remain October 19, 2015.

(SIGNED)

KATHLEEN H. BURGESS
Secretary