

Public Service Commission - Case No. 16-G-0058
July 26, 2016

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STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

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CASE 16-G-0058 - Proceeding on Motion of the
Commission as to the Rates,
Charges, Rules & Regulations of
KeySpan Gas East Corp. d/b/a
Brooklyn Union of L.I. for Water
Services

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July 26, 2016
6:42 p.m.

Theodore Roosevelt Executive & Legislative Building
Legislative Chambers
1550 Franklin Ave
Mineola, New York 11501

PUBLIC STATEMENT HEARING
TRANSCRIPTION OF PROCEEDINGS

BEFORE:

DAVID VAN ORT
Administrative Law Judge
Department of Public Service

REPORTED BY:

Nicole Ellis

Public Service Commission - Case No. 16-G-0058
July 26, 2016

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SPEAKERS:

Thomas Gallagher - Self

Chris Widelo - AARP NY

Neal Lewis - Sustainability Institute at Molloy College

Rachel Burd - PULP

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Proceedings

ALJ VAN ORT: Okay, folks, why don't we get started.

This is Case 16-G-0058: Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations of KeySpan Gas East Corp. d/b/a Brooklyn Union of L.I. for Gas Services.

Good evening. My name is David Van Ort, I'm an Administrative Law Judge with the New York State Department of Public Service. I've been assigned to conduct this hearing this evening, and I'm assigned to the case in chief. One of the functions that I'm charged with is ensuring that there's a complete record for the Commission to make a decision in this case. At some point in time I will be making recommendations to the Commission as part of that.

The purpose of this hearing this evening is to obtain your comments and your input with respect to the Company's filing. The Company is proposing a rate increase to take effect on January 1st of

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Proceedings

2017.

I'll note for your benefit that there are more than a dozen parties involved in this case already. More than half of those parties have filed testimony and exhibits in response to the Company's filing.

Since June -- approximately the middle of June, the parties have been involved in negotiations in an effort to reach a settlement of some or all of the outstanding issues that were presented.

As I said, this is a Public Statement Hearing, it's for your comments and your input as with respect to the Company's proposal.

The process that we have for these hearings is that we set these hearings up, we'll hold them open for a minimum of one hour or until everyone that wants to speak has an opportunity to do so.

At this point we only have four cards, four individuals have signed up to speak. So what's likely going to happen

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Proceedings

is once we get through each of the speakers we will recess. And then when the hour completes, I will call the case back on the record, and if there's no other speakers then we will close the record at that point in time.

As I mentioned earlier to you folks, I was delaying a little bit to see if we get more people to speak. It's now going for approximately quarter of seven. Obviously there's no need for me to place a limit on the amount of time that you folks speak. But the only thing I ask is if people have exceedingly long statements and you have a copy of the statement, I would appreciate it if you could give us a copy that we could give to the Reporter, just to make sure that everything that has been stated has been accurately copied into the record.

For those who are going to speak, we have a microphone right up front here, and you can just come up to the microphone. I ask you to do something to benefit all of

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Proceedings

us. One is, don't turn around and talk to the audience behind us. People have a tendency to do that, they don't like to have their back to the majority of the audience, but unfortunately when you do that we tend to lose something in the recording here. So I'm going to ask that you speak into the microphone, speak to me directly, speak slowly and simply speak loudly, so that everything is copied down.

As I mentioned, we have a Reporter to my right here, and the Reporter is copying down everything for the record. It will be recorded and reported to the Commission, but this is not an evidentiary hearing, it's simply to take your statements. You're not going to be cross-examined, you will not be sworn, so people can feel comfortable that the statements that they make are not going to be subject to examination.

In addition to the oral statements that you can make here this evening, if there's people that don't feel comfortable

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Proceedings

speaking, you can submit a written statement. The address that we use is secretary@dps.ny.gov. You may have gotten some of the written literature that's been disclosed or circulated, and if you need it the folks at the front desk can provide that for you.

One of the things I should probably point out, because it's been asked several times in the past, if you choose not to make an oral statement here and prefer to make a written statement, they both have the same weight. It's the content of what you say that's important, not the way you say it.

Again as I said, you come up here to the front to speak, and at that point in time, you know, we will commence.

Do I have anymore cards? No more cards. Why don't we begin with the speakers here then.

The first one that we have signed up is Thomas Gallagher.

MR. GALLAGHER: I'm Thomas Gallagher,

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Proceedings

I live in East Meadow at the complex for senior citizens.

Number one, are the representatives here from the National Grid?

ALJ VAN ORT: I believe to your right in the back, sir.

MR. GALLAGHER: I just wanted to find out number one, when you're not using gas, is the rates going to go up on the meter? Like right now we pay about \$24 a month for the meter, in the summer, when we're not using gas. That's one of the items.

And what I see and hear that National Grid has added on more homes and businesses, and I feel personally that they have taken in more money in the year 2015/2016 to go ahead with the work that they plan to do or had planned many years ago to do, and they have added -- and people are using natural gas.

But they do have to understand what they plan to do is going to effect many people. The price of pizza is going to go up because they have to use gas to cook

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Proceedings

the pizza. Homeowners who are paying rent for homes, the rent is going to go up in homes. Many people cannot afford to live here on Long Island if all this keeps climbing up.

Now that the price of oil in the winter months has gone down, I feel people are going to be turning off their gas to National Grid and they won't be having no money coming in, they'll be going back to oil or heating with electric. They probably would not dare use it.

There is many times -- we do have incidents where there's explosions and fires and that's what happened in the city, and look what happened, we have piping in the streets that's very bad. And also the streets, when they do rip up to put in gas pipes, et cetera, they don't do a great job on the repair, and they blacktop roadways so we wind up with great potholes. And then it cost the town, the State to replace that blacktops that they made a profit on by ripping it up, and

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Proceedings

they run pipes, and it's -- this is an ongoing thing with our utilities that we got to put a stop to this raising of rates.

They do have people adding on, we have many developments going in here and there, and now this natural gas, it doesn't seem like they have to do much of these repairs and stuff they're talking about, because they do have the money for it, they have increased their income by putting in more and more.

I want to thank you very much for your time.

ALJ VAN ORT: Thank you, sir.

The next speaker is Chris Widelo.

MR. WIDELO: Hi, good evening. My name is Chris Widelo and I'm AARP's Associate State Director here in New York. And I am happy to speak today on behalf of the 500,000 AARP members who reside on Long Island. I live in Wantagh, so this is something that effects me personally as well, and I appreciate the number of

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Proceedings

volunteers that I have today that are here present to support our comments in opposition of this rate increase.

National Grid has filed for a \$164 million rate increase that will raising delivery rates by 24 percent, and increase the average residential customers heating bill by 15 and a half percent.

Residential non-heating customers who also experience it -- will experience a bill increase of 18 percent if this proposal is approved.

AARP believes that this increase is too high and should be rejected by the Public Service Commission. We believe that this rate increase will threaten the affordability and essential natural gas service for customers.

Here in Nassau County there are 287,000 seniors, and of that number 106,000 are age 75 or older. There are 330,000 seniors living in Suffolk County, of which 103,000 are 75 or older. Roughly 10 percent of Nassau seniors are

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Proceedings

low-income and approximately 12 and a half percent of Suffolk seniors are low-income.

Senior citizens, who make up more than 25 percent of the households in the National Grid Long Island service territory, have also faced increasing economic challenges since 2009. Over 22,000 seniors living on Long Island live below the federal poverty level in 2013, that's up 6 percent from 2009. Public assistance to senior citizen households experienced increases ranging from 42.8 to 84.1 percent between 2009 and 2013.

In a recent AARP survey of age 50-plus residents here on Long Island, 46 percent stated that they're extremely or very concerned about being able to afford utility costs. Seniors use the same amount of energy as a younger person, but unfortunately paying the bill consumes more of their household income. Any increase in utility rates must take into account that there's such a large percentage of low-income seniors in this

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Proceedings

region. Rates must be designed to maintain the affordability of basic services. AARP believes that anything short of this would be unacceptable.

To conclude, AARP believes National Grid has proposed a significant rate increase that will continue -- that will contribute to the unaffordability of essential natural gas services for customers here on Long Island. The rate increase is simply too high. While AARP supports investments to ensure pipeline safety and measures to ensure more reliable gas services, this proposal does not take into account the ability of its vulnerable customers to pay these high rate increases and should be rejected.

Thank you for the opportunity to comment today.

ALJ VAN ORT: Thank you, Mr. Widelo. Next speaker is Neal Lewis.

MR. LEWIS: Good evening. My name is Neal Lewis, N-E-A-L, L-E-W-I-S. I'm Executive Director of the Sustainability

1 Proceedings

2 Institute of Molloy College.

3 I'm here today to speak because
4 really rate cases like this provide us an
5 opportunity to look at some of the issues
6 in addition to rates. So in this document
7 that was handed out today, it was referred
8 to as the rate case components, and that's
9 primarily where my comments will be used
10 on, those additional components.

11 The Sustainability Institute is
12 interested in promoting goals to basically
13 reduce the greenhouse gas carbon footprint
14 that we have here on Long Island.

15 Greenhouse gases are often referred to as
16 CO-2, but really the one we have to watch
17 out for is methane. Methane is a very
18 powerful greenhouse gas and it is
19 emitted -- it is part of what we're
20 talking about here, natural gas, and it is
21 emitted from old pipes.

22 So the first item in the rate case
23 components is listed as system
24 modernization, and we think this is a very
25 important item. We think it's important

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Proceedings

that the work here be carried out, the replacing of old pipes, which don't -- in addition to presenting a hazard and a concern, are presenting an environmental hazard, in addition to the safety hazard. We think that if anything, the item as described here that the staff of the Public Service Commission should look to see whether the efforts should be more aggressive than what's described here.

So there's some specifics as to particular replacements that are going to take place. It's my understanding there's a lot of technologies that are made for replacing these older pipes quicker, easier, and more cost effective than it was just a few years ago. And therefore, we think this effort to modernize the system should be accelerated and want to draw attention to that.

The second item that is of concern is the program for low-income individuals who are looking to reduce their bills on their own home, either by switching from oil to

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Proceedings

natural gas or they currently have natural gas and they want to improve the efficiency of their system by doing such things as installing insulation or upgrading the heating system.

The program described here is an important one to see continued and expanded, and my concern is it's just not going far enough. What's described, as I understand it, is that the program would be limited to the conversions from an oil system to the gas-fired system. We see a value to that, but we don't think it should stop there. We think the utility has a responsibility to promote energy efficiency, we believe efficiency should be the first thing that we do.

Many people put solar panels on their home and realize only sometime later that maybe the first thing they should have done was to make their home more efficient in the first place. You can reduce your carbon footprint and how much you're contributing to air pollution and

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Proceedings

greenhouse gases much more quickly and more substantially by an investment in efficiency, it's the most cost effective thing that we should all be doing first, and the utility should be compelled by the Department of Public Service and the Public Service Commission to carry out these programs. And we think they should go further than what's described here.

And lastly the third component, this is also an area of particular interest on Long Island where it's still less than half of the homeowner heating systems. The residential heating systems are relying on gas, meaning that some 60 percent or so are using oil, which from an environmental perspective is substantially worse in terms of its contribution to greenhouse gas emissions.

We therefore think it's still very expensive in many places for people to be able to connect to this system particularly if there's a need to run a new line to the homes in question. So we

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Proceedings

think more should be done in this area.
And again, it describes some specific things, which is (inaudible) and we think it should be more than that. We think that one project should go forward, but we think they should be compelled to help and provide more service to more homeowners that could take advantage of it.

So our comments are really not directly on the question of whether the rates, as proposed, are fair. We do think the Department has very capable staff of analyzing that, and we're inclined to believe whatever the Department's conclusion is, is the right way to separate going forward. So we'll be interested to see what comes out of the process.

But our point is that while the rates are important, these other items are also very important and shouldn't be given any less consideration, so thank you.

ALJ VAN ORT: Thank you, Mr. Lewis.
The last card that I have is Rachel

1 Proceedings

2 Burd.

3 MS. BURD: Good evening. My name is
4 Rachel Burd. I am the Coordinator of
5 Community Relations and Communications for
6 the Public Utility Law Project of New
7 York, otherwise known as PULP or the
8 Utility Project.

9 PULP is a 35-year-old, nonprofit,
10 public-interest law firm, with a unique
11 mission in New York State: We are the
12 independent consumer advocates that
13 represent the rights of the low- and
14 fixed-income utility customers, such as
15 seniors, the disabled, veterans, and other
16 New Yorkers making less than \$35,000 per
17 year per household, and paying 30 percent
18 or more of their incomes on housing costs.

19 Thank you, Judge Van Ort, for the
20 opportunity to testify tonight in this
21 vitally important rate case that effects
22 millions of people. As part of our
23 mission, PULP studies the impact that
24 utility rates and rate designs on the low-
25 and fixed-income communities and their

Proceedings

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2 service territories. Our sources include
3 publicly available information for the
4 Company service areas, the Monthly
5 Collection Reports to the Public Service
6 Commission or PSC, and that we obtain,
7 either from companies during discovery
8 rate cases or from the Department of
9 Public Service or DPS, through Freedom of
10 Information Law Request and Discovery
11 Requests by other parties in these cases
12 and the companies responses.

13 We've come tonight to describe the
14 extraordinary burden that both National
15 Grid's current and proposed rate
16 structures and its daily practices are for
17 its most vulnerable customers. Right now
18 almost 50 percent of National Grid's
19 customers cannot afford their utility
20 bills. In 2015, customers in 13,524
21 homes, that's 2.7 percent of National
22 Grid's customers, were shut off. A year
23 earlier, 9,852 customers were shut off.
24 In only one year, more than 12,000 people
25 living on Long Island and the Far

Proceedings

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2 Rockaways lost their heating and/or
3 cooking gas. This just happened to
4 coincide with National Grid's
5 implementation of a particularly
6 aggressive and egregious form of bill
7 collection; seizing the meters from their
8 customer's homes.

9 Please keep in mind as I speak that
10 each customer I refer to represents a
11 household, a home that includes about 2.6
12 people; 2.6 children, grandparents,
13 disabled people, veterans, families.
14 Therefore, we must take the number of
15 customers noted and multiply it to get a
16 more complete view of how many actual
17 people are, and will be hurt, by National
18 Grid's rates by some of its questionable
19 practices and by its new proposals if
20 approved. And given that many low-income
21 households, we know there's often
22 (inaudible), even that number is likely an
23 undercount.

24 First, I want to address the growth
25 of the unaffordability crisis. Let me

Proceedings

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2 give a few more cold numbers to illustrate
3 how critical the unaffordability crisis is
4 becoming in National Grid's Long Island
5 and Rockaways territory. Between 205 --
6 excuse me, between 2005 and 2014, about
7 90 percent of owners and 80 percent of
8 renters in Grid's service area, making
9 less than \$35,000 a year, consistently
10 spent at least 30 percent of their incomes
11 on housing costs, including utilities. By
12 2014, the housing expenses of those
13 neighbors of ours had increased to
14 74 percent and 75 percent respectively.
15 Those neighbors are seniors, disabled
16 veterans, and the many others who have
17 simply been left behind by the limited and
18 jobless recovery our economy has
19 experienced.

20 Now what causes the problems with
21 affordability? Despite the difficulties
22 Grid's customers are experiencing, Grid
23 has selected -- excuse me, Grid has
24 decided to limit access to discount
25 programs making Deferred Payment

Proceedings

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2 Agreements, or DPAs, inaccessible, or at
3 the very least, very, very hard to get,
4 and proposing to add costs that are simply
5 unaffordable.

6 First, they have inadequate
7 enrollment in their already existing
8 reduced rate plan. Right now, the
9 Company's reduced rate plan has a budget
10 of about \$5 million and a target
11 enrollment of 30,000. In 2013, the plan
12 provided about 3 million in benefits to
13 the -- excuse me, to less than 9,000
14 heating customers, and \$0.1 million to
15 just over 1,000 non-heating customers.
16 Incredibly, given the hardship I've just
17 laid out, the plan under-spent by about
18 \$2 million.

19 Eligibility for Grid's low-income
20 plan is fairly broad. They take people
21 enrolled in any one of eight government
22 benefit programs. However, despite these
23 broad criteria, Grid does not enroll all
24 customers who are likely eligible. Based
25 on the number of people enrolled in food

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Proceedings

stamps or SNAP, one of the most widely utilized assistance programs that makes people eligible for Grid's discount program, PULP estimates that a minimum of 19,403 customers are not getting the reduced bills they need.

To address those under enrollments in its low- and fixed-income program, Grid has said it's willing to work with the State Office of Temporary and Disability Systems on an automatic enrollment plan, which should catch many more needy customers. Yet there's nothing in their new proposal that says when these measures might kick in, it might take years, nor is funding included in the current proposal for either of those already missed or the increase likely to show up. And in the end, reduced rate plan heating customers will still face, before surcharges, a 14.7 percent rate increase. Non-heating customers are looking at a 17.2 percent rate increase.

Secondly, inadequate access to DPAs.

Proceedings

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2 Among PULP's key finding concerning
3 Deferred Payment Agreements, is
4 significant evidence that National Grid
5 may have violated the Home Energy Fair
6 Practices Act or HEFPA. We found what
7 appears to be clear indications that
8 National Grid has not followed required
9 procedures for negotiating, enacting, and
10 following the DPA that would allow the
11 low-income customers to fulfill their
12 responsibilities and maintain a service.

13 For example, since the peak of the
14 financial crisis and Great Recession in
15 2009, the average number of DPAs has gone
16 down, and the total dollar amount covered
17 by those agreements, including down
18 payments, has decreased. This was a major
19 red flag in our analysis, because since
20 2012 the total arrears for residential
21 customers has increased. This doesn't
22 make sense. The more someone owes, the
23 more likely they should be to enter into a
24 DPA. Instead, fewer do.

25 No one chooses to stay in debt when

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Proceedings

there's a way out. As one might predict, as of September 2015, many customers who fell into arrears without securing a DPA found their accounts, quote, eligible for field action. That is, for shutoff. Immediate removals their rates are paying for. The total number of accounts eligible for shutoff was higher that month than in any other between 2003 and 2015.

The impacts of National Grid's proposals on low-income customers. In addition to the problems noted above, at least 19,403 customers who are likely eligible but are not enrolled in Grid's reduced rate plans, there may be substantially more due to a sizable increase in the last ten years in Nassau and Suffolk residents receiving Home Energy Assistance Program or HEAP. HEAP is another public assistance program that makes people eligible for Grid's reduced rate plan. They would feel the full impact of Grid's rate increases, if approved as proposed, before surcharges,

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Proceedings

14.1 percent for heating customers and
18.2 percent for non-heating customers.

The only relief that eligible, but nonenrolled, customers might get would be if National Grid had voted to successfully create the auto-enrollment program mentioned above. In the meantime, families having trouble paying their bills will be put at even more risk of falling behind and facing aggressive meter-seizure collection measures, leaving them in the cold.

One lesser known, lesser talked about problem, that is a Grid problem, is predation by Energy Service Companies, ESCO's, and how they're helped financially by National Grid. Let me finish by talking about these Energy Service Companies, which are those incredibly irritating and sometimes intimidating knock-knock people; who come to your door, call at all hours, and try to get you to switch your energy provider from Grid to their company. They promise the moon;

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Proceedings

lower bills, bonus fees for switching, even airline miles. Then a few months later, they take you, that is your bill, over the moon. It may double, triple, even quadruple. Attempt to reach them, good luck. Grid will tell you it's not their problem, you're no longer their customer. Until Grid buys your bill at a discount. Now the ESCO really didn't have any way of pressuring you to pay the skyrocketing bill, but Grid does. Grid has the keys the city, your meter.

Grid has shadow billing data telling what it should have charged for their full service they're required to comply with the Home Energy Fair Practices Act -- I'm sorry, they're required to compile according to the Home Energy Fair Practices Act. ESCO requires that a suspended ESCO customer be allowed to regain services by paying or arranging to pay either the bills that include ESCO charges or what the bill would have been paid for Grid's full service, whichever is

Proceedings

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2 less.

3 According to January 2016 National
4 Grid data, to take one month as an
5 example, PULP's analysis shows that a
6 majority of residential customer bills,
7 99.8 percent, were higher for customers
8 who had switched from Grid to an ESCO.
9 The net cost of these ESCO customers would
10 have paid, in the month above, what Grid
11 would have charged them, was \$1,709,140.
12 Even customers not in arrears with Grid
13 could have been put over the edge by ESCO
14 overcharges in January.

15 Since 2009, the monthly percentage of
16 residential customers who switched back to
17 National Grid from an ESCO and whose bills
18 were sold to Grid for collections, has
19 been nearly a hundred percent. Selling
20 its receivables to Grid helps the ESCO
21 avoid collection risk. But when Grid goes
22 after the customer for repayment, it has
23 the power to use its new and improved
24 collection procedures, including meter
25 seizures, threats of shutoffs, and

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Proceedings

collecting 18 percent in late fees.

ESCO's have caused such trauma in people's lives that the Public Service Commission issued an order on July 14th putting a moratorium on new and renewal sales to low-income customers. Without the motivation of 18 percent in late fees, perhaps Grid might have helped customers by educating them about their rights under the Home Energy Fair Practices Act.

When PULP asked earlier in this case for any guidance documents Grid provides its employees who received calls about ESCO problems, they reported that they had, indeed, created one in 2010, when asked by the Department of Public Service due to increasing complaints. However, Grid said in a follow-up response once the complaint data was filed to the DPS staff, the request was withdrawn and the document was discontinued.

In its current Grid policy to refer customer complaints -- sorry, it is current Grid policy to refer customer

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Proceedings

complaints involving an ESCO, either directly back to the ESCO or to the PSC. So much for National Grid's statement on its website that it has a strong commitment to the communities we serve.

My apologies for my miss-statements. I get rather impassioned when it comes to these issues.

ALJ VAN ORT: That's quite all right. Thank you for your comments.

Dan, do we have anymore cards? Is there anyone that was seeking to speak and hasn't filled out a card yet? No, okay.

It is approximately a quarter after seven. The clock on the wall, I think, is fast. We will recess until 7:30.

If we get a flood of people, obviously I will call them in so that no one has to wait. You folks are welcome to stay here, you don't have to stay here if you don't wish. At 7:30, if there are no other speakers, I'll close the record for this proceedings.

(Whereupon, a short recess was taken

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Proceedings

at this time.)

ALJ VAN ORT: Folks, I was just informed by my watch, I've got 7:31, and I'm told there are no other individuals that have signed cards, and no one has expressed an interest to speak.

So at this point, I want to thank you all for coming to this hearing and for providing your input. But with that, we're going to conclude this Public Statement Hearing and close the record. Thank you.

(Time noted: 7:32 p.m.)

Public Service Commission - Case No. 16-G-0058

July 26, 2016

A		
AARP (7)	2:4 10:22 11:14 12:15 13:4,6,12	
AARP's (1)	10:19	
ability (1)	13:16	
able (2)	12:18 17:23	
accelerated (1)	15:20	
access (2)	22:24 24:25	
account (2)	12:24 13:16	
accounts (2)	26:5,8	
accurately (1)	5:20	
Act (4)	25:6 28:17,20 30:11	
action (2)	26:6 33:12	
actual (1)	21:16	
add (1)	23:4	
added (2)	8:15,20	
adding (1)	10:6	
addition (5)	6:23 14:6 15:4,6 26:13	
additional (1)	14:10	
address (3)	7:3 21:24 24:8	
Administrative (2)	1:17 3:10	
advantage (1)	18:9	
advocates (1)	19:12	
afford (3)	9:4 12:19 20:19	
affordability (3)	11:18 13:3 22:21	
age (2)	11:22 12:15	
aggressive (3)	15:11 21:6 27:11	
ago (2)	8:20 15:18	
agreements (3)	23:2 25:3,17	
ahead (1)	8:18	
air (1)	16:25	
airline (1)	28:3	
ALJ (7)	3:2 8:6 10:16 13:21 18:24 31:10 32:3	
allow (1)	25:10	
allowed (1)	28:21	
amount (3)	5:13 12:20 25:16	
analysis (2)	25:19 29:5	
analyzing (1)	18:14	
and/or (1)	21:2	
anymore (2)	7:20 31:12	
apologies (1)	31:7	
appears (1)	25:7	
appreciate (2)	5:17 10:25	
approved (3)	11:13 21:20 26:25	
approximately (4)	4:9 5:11 12:2 31:15	
area (3)	17:12 18:2 22:8	
areas (1)	20:4	
arranging (1)	28:22	
arrears (3)	25:20 26:4 29:12	
asked (3)	7:10 30:12,17	
assigned (2)	3:12,14	
assistance (4)	12:12 24:3 26:20,21	
Associate (1)	10:20	
Attempt (1)	28:6	
attention (1)	15:21	
audience (2)	6:3,6	
August (1)	33:16	
auto-enrollment (1)	27:7	
automatic (1)	24:12	
available (1)	20:3	
Ave (1)	1:10	
average (2)	11:8 25:15	
avoid (1)	29:21	
B		
back (6)	5:5 6:5 8:7 9:11 29:16 31:3	
bad (1)	9:18	
Based (1)	23:24	
basic (1)	13:3	
basically (1)	14:12	
becoming (1)	22:4	
behalf (1)	10:21	
believe (4)	8:6 11:16 16:17 18:15	
believes (3)	11:14 13:4,6	
benefit (3)	4:3 5:25 23:22	
benefits (1)	23:12	
bill (8)	11:9,11 12:21 21:6 28:4,9 28:12,24	
billing (1)	28:14	
bills (8)	15:24 20:20 24:7 27:9 28:2 28:23 29:6,17	
bit (1)	5:9	
blacktop (1)	9:22	
blacktops (1)	9:24	
blood (1)	33:12	
bonus (1)	28:2	
broad (2)	23:20,23	
Brooklyn (2)	1:5 3:7	
budget (1)	23:9	
Building (1)	1:9	
Burd (4)	2:6 19:2,3,4	
burden (1)	20:14	
businesses (1)	8:16	
buys (1)	28:9	
C		
C (2)	33:1,1	
call (3)	5:4 27:23 31:19	
calls (1)	30:14	
capable (1)	18:13	
carbon (2)	14:13 16:24	
card (2)	18:25 31:14	
cards (5)	4:24 7:20,21 31:12 32:6	
carried (1)	15:2	
carry (1)	17:8	
case (10)	1:3 3:4,14,18 4:5 5:4 14:8,22 19:21 30:12	
cases (3)	14:4 20:8,11	
catch (1)	24:13	
caused (1)	30:3	
causes (1)	22:20	
certify (2)	33:7,11	
cetera (1)	9:20	
challenges (1)	12:8	
Chambers (1)	1:10	
charged (3)	3:15 28:15 29:11	
charges (3)	1:4 3:6 28:24	
chief (1)	3:14	
children (1)	21:12	
choose (1)	7:11	
chooses (1)	25:25	
Chris (3)	2:4 10:17,19	
circulated (1)	7:6	
citizen (1)	12:12	
citizens (2)	8:3 12:4	
city (2)	9:17 28:13	
clear (1)	25:7	
climbing (1)	9:6	
clock (1)	31:16	
close (3)	5:6 31:23 32:12	
CO-2 (1)	14:16	
coincide (1)	21:4	
cold (2)	22:2 27:13	
collecting (1)	30:2	
collection (5)	20:5 21:7 27:12 29:21,24	
collections (1)	29:18	
College (2)	2:5 14:2	
come (4)	5:24 7:17 20:13 27:22	
comes (2)	18:18 31:8	
comfortable (2)	6:20,25	
coming (2)	9:11 32:9	
commence (1)	7:19	
comment (1)	13:20	
comments (6)	3:22 4:15 11:3 14:9 18:10 31:11	
Commission (11)	1:2,4 3:5,17,20 6:16 11:16 15:9 17:8 20:6 30:5	
commitment (1)	31:6	
Communications (1)	19:5	
communities (2)	19:25 31:6	
Community (1)	19:5	
companies (4)	20:7,12 27:16,20	
company (3)	3:24 20:4 27:25	
Company's (4)	3:23 4:7,16 23:9	
compelled (2)	17:6 18:7	
compile (1)	28:18	
complaint (1)	30:20	
complaints (3)	30:18,24 31:2	
complete (2)	3:16 21:16	
completes (1)	5:4	
complex (1)	8:2	
comply (1)	28:16	
component (1)	17:11	
components (3)	14:8,10,23	
concern (3)	15:5,22 16:9	
concerned (1)	12:18	
concerning (1)	25:2	

July 26, 2016

conclude (2) 13:6 32:11
conclusion (1) 18:16
conduct (1) 3:12
connect (1) 17:23
consideration (1) 18:23
consistently (1) 22:9
consumer (1) 19:12
consumes (1) 12:21
content (1) 7:14
continue (1) 13:8
continued (1) 16:8
contribute (1) 13:9
contributing (1) 16:25
contribution (1) 17:20
conversions (1) 16:12
cook (1) 8:25
cooking (1) 21:3
Coordinator (1) 19:4
copied (2) 5:20 6:11
copy (2) 5:16,18
copying (1) 6:13
Corp (2) 1:5 3:7
cost (4) 9:23 15:17 17:4 29:9
costs (4) 12:19 19:18 22:11 23:4
County (3) 11:20,23 33:4
covered (1) 25:16
create (1) 27:7
created (1) 30:16
crisis (3) 21:25 22:3 25:14
criteria (1) 23:23
critical (1) 22:3
cross-examined (1) 6:19
current (4) 20:15 24:17 30:23,25
currently (1) 16:2
customer (7) 21:10 28:9,21 29:6
 29:22 30:24,25
customer's (1) 21:8
customers (34) 11:8,10,19 13:11
 13:17 19:14 20:17,19,20,22,23
 21:15 22:22 23:14,15,24 24:6,14
 24:20,23 25:11,21 26:3,12,14
 27:2,3,5 29:7,9,12,16 30:7,9

D

d/b/a (2) 1:5 3:7
daily (1) 20:16
Dan (1) 31:12
dare (1) 9:13
data (3) 28:14 29:4 30:20
David (2) 1:17 3:9
day (1) 33:16
debt (1) 25:25
decided (1) 22:24
decision (1) 3:17
decreased (1) 25:18
Deferred (2) 22:25 25:3
delaying (1) 5:9

delivery (1) 11:7
Department (6) 1:18 3:11 17:7
 18:13 20:8 30:17
Department's (1) 18:15
describe (1) 20:13
described (5) 15:8,11 16:7,10
 17:10
describes (1) 18:3
designed (1) 13:2
designs (1) 19:24
desk (1) 7:7
despite (2) 22:21 23:22
developments (1) 10:7
difficulties (1) 22:21
directly (3) 6:10 18:11 31:3
Director (2) 10:20 13:25
Disability (1) 24:11
disabled (3) 19:15 21:13 22:15
disclosed (1) 7:6
discontinued (1) 30:22
discount (3) 22:24 24:4 28:10
discovery (2) 20:7,10
document (2) 14:6 30:21
documents (1) 30:13
doing (2) 16:4 17:5
dollar (1) 25:16
door (1) 27:22
double (1) 28:5
dozen (1) 4:4
DPA (3) 25:10,24 26:4
DPAs (3) 23:2 24:25 25:15
DPS (2) 20:9 30:20
draw (1) 15:21
due (2) 26:17 30:18

E

E (2) 33:1,1
earlier (3) 5:8 20:23 30:12
easier (1) 15:17
East (3) 1:5 3:7 8:2
economic (1) 12:8
economy (1) 22:18
edge (1) 29:13
educating (1) 30:10
effect (2) 3:25 8:23
effective (2) 15:17 17:4
effects (2) 10:24 19:21
efficiency (4) 16:4,17,17 17:4
efficient (1) 16:22
effort (2) 4:11 15:19
efforts (1) 15:10
egregious (1) 21:6
eight (1) 23:21
either (5) 15:25 20:7 24:18 28:23
 31:2
electric (1) 9:12
Eligibility (1) 23:19

eligible (7) 23:24 24:4 26:5,9,15,22
 27:4
Ellis (3) 1:24 33:6,19
emissions (1) 17:20
emitted (2) 14:19,21
employees (1) 30:14
enacting (1) 25:9
energy (10) 12:20 16:16 25:5
 26:20 27:16,19,24 28:17,19
 30:11
enroll (1) 23:23
enrolled (3) 23:21,25 26:15
enrollment (3) 23:7,11 24:12
enrollments (1) 24:8
ensure (2) 13:13,14
ensuring (1) 3:16
enter (1) 25:23
environmental (2) 15:5 17:18
ESCO (12) 28:10,20,21,23 29:8,9
 29:13,17,20 30:15 31:2,3
ESCO's (2) 27:17 30:3
essential (2) 11:18 13:10
estimates (1) 24:5
et (1) 9:20
evening (7) 3:9,13,22 6:24 10:18
 13:23 19:3
evidence (1) 25:4
evidentiary (1) 6:16
examination (1) 6:22
example (2) 25:13 29:5
exceedingly (1) 5:15
excuse (3) 22:6,23 23:13
Executive (2) 1:9 13:25
exhibits (1) 4:7
existing (1) 23:7
expanded (1) 16:9
expenses (1) 22:12
expensive (1) 17:22
experience (2) 11:11,11
experienced (2) 12:13 22:19
experiencing (1) 22:22
explosions (1) 9:15
expressed (1) 32:7
extraordinary (1) 20:14
extremely (1) 12:17

F

F (1) 33:1
face (1) 24:21
faced (1) 12:7
facing (1) 27:11
fair (5) 18:12 25:5 28:17,19 30:11
fairly (1) 23:20
falling (1) 27:10
families (2) 21:13 27:9
far (2) 16:10 20:25
fast (1) 31:17

July 26, 2016

federal (1) 12:10
feel (5) 6:20,25 8:16 9:8 26:23
fees (3) 28:2 30:2,8
fell (1) 26:4
fewer (1) 25:24
field (1) 26:6
filed (3) 4:6 11:5 30:20
filing (2) 3:24 4:8
filled (1) 31:14
financial (1) 25:14
financially (1) 27:17
find (1) 8:8
finding (1) 25:2
finish (1) 27:18
fires (1) 9:16
firm (1) 19:10
first (8) 7:23 14:22 16:18,21,23
 17:5 21:24 23:6

fixed-income (3) 19:14,25 24:9
flag (1) 25:19
flood (1) 31:18
folks (6) 3:2 5:8,14 7:7 31:20 32:3
follow-up (1) 30:19
followed (1) 25:8
following (1) 25:10
food (1) 23:25
footprint (2) 14:13 16:24
form (1) 21:6
forward (2) 18:6,17
found (2) 25:6 26:5
four (2) 4:23,24
Franklin (1) 1:10
Freedom (1) 20:9
front (3) 5:23 7:7,18
fulfill (1) 25:11
full (3) 26:23 28:15,25
functions (1) 3:15
funding (1) 24:17
further (2) 17:10 33:11

G

Gallagher (5) 2:3 7:24,25,25 8:8
gas (21) 1:5 3:7,8 8:9,13,21,25 9:9
 9:20 10:8 11:18 13:10,15 14:13
 14:18,20 16:2,3 17:16,20 21:3
gas-fired (1) 16:13
gases (2) 14:15 17:2
getting (1) 24:6
give (3) 5:17,18 22:2
given (3) 18:22 21:20 23:16
go (6) 8:10,18,24 9:3 17:10 18:6
goals (1) 14:12
goes (1) 29:21
going (17) 4:25 5:10,22 6:8,18,21
 8:10,23,24 9:3,9,11 10:7 15:13
 16:10 18:17 32:11
good (5) 3:9 10:18 13:23 19:3 28:7

gotten (1) 7:4
government (1) 23:21
grandparents (1) 21:12
great (3) 9:21,22 25:14
greenhouse (5) 14:13,15,18 17:2
 17:20
Grid (34) 8:5,15 9:10 11:5 12:6
 13:7 22:22,23 23:23 24:9 25:4,8
 27:6,15,18,24 28:7,9,12,12,14
 29:4,8,10,12,17,18,20,21 30:9,13
 30:19,23,25
Grid's (16) 20:15,18,22 21:4,18
 22:4,8,22 23:19 24:4 26:11,15,22
 26:24 28:25 31:4
growth (1) 21:24
guidance (1) 30:13

H

half (4) 4:5 11:9 12:2 17:14
hand (1) 33:15
handed (1) 14:7
happen (1) 4:25
happened (3) 9:16,17 21:3
happy (1) 10:21
hard (1) 23:3
hardship (1) 23:16
hazard (3) 15:4,6,6
HEAP (2) 26:20,20
hear (1) 8:14
hearing (7) 1:13 3:13,21 4:15 6:17
 32:9,12
hearings (2) 4:19,19
heating (9) 9:12 11:8 16:6 17:14
 17:15 21:2 23:14 24:20 27:2
HEFPA (1) 25:6
help (1) 18:7
helped (2) 27:17 30:9
helps (1) 29:20
hereunto (1) 33:15
Hi (1) 10:18
high (3) 11:15 13:12,17
higher (2) 26:9 29:7
hold (1) 4:20
home (9) 15:25 16:20,22 21:11
 25:5 26:19 28:17,19 30:11
homeowner (1) 17:14
homeowners (2) 9:2 18:8
homes (6) 8:15 9:3,4 17:25 20:21
 21:8
hour (2) 4:21 5:4
hours (1) 27:23
household (3) 12:22 19:17 21:11
households (3) 12:5,12 21:21
housing (3) 19:18 22:11,12
hundred (1) 29:19
hurt (1) 21:17

I

illustrate (1) 22:2
Immediate (1) 26:7
impact (2) 19:23 26:24
impacts (1) 26:11
impassioned (1) 31:8
implementation (1) 21:5
important (7) 7:15 14:25,25 16:8
 18:21,22 19:21
improve (1) 16:3
improved (1) 29:23
inaccessible (1) 23:2
inadequate (2) 23:6 24:25
inaudible (2) 18:4 21:22
incidents (1) 9:15
inclined (1) 18:14
include (2) 20:2 28:23
included (1) 24:17
includes (1) 21:11
including (3) 22:11 25:17 29:24
income (2) 10:12 12:22
incomes (2) 19:18 22:10
increase (14) 3:25 11:4,6,7,12,14
 11:17 12:23 13:8,12 24:19,22,24
 26:18
increased (3) 10:12 22:13 25:21
increases (3) 12:13 13:18 26:24
increasing (2) 12:7 30:18
incredibly (2) 23:16 27:20
independent (1) 19:12
indications (1) 25:7
individuals (3) 4:24 15:23 32:5
information (2) 20:3,10
informed (1) 32:4
input (3) 3:23 4:16 32:10
installing (1) 16:5
Institute (3) 2:5 14:2,11
insulation (1) 16:5
interest (2) 17:12 32:7
interested (3) 14:12 18:18 33:13
intimidating (1) 27:21
investment (1) 17:3
investments (1) 13:13
involved (2) 4:4,11
involving (1) 31:2
irritating (1) 27:21
Island (10) 9:5 10:23 12:6,9,16
 13:11 14:14 17:13 20:25 22:4
issued (1) 30:5
issues (3) 4:13 14:5 31:9
item (4) 14:22,25 15:7,22
items (2) 8:13 18:21

J

January (3) 3:25 29:3,14
job (1) 9:21
jobless (1) 22:18

Public Service Commission - Case No. 16-G-0058
July 26, 2016

<p>Judge (3) 1:17 3:10 19:19 July (2) 1:7 30:5 June (2) 4:9,10</p> <hr/> <p align="center">K</p> <hr/> <p>keep (1) 21:9 keeps (1) 9:5 key (1) 25:2 keys (1) 28:13 KeySpan (2) 1:5 3:7 kick (1) 24:16 knock-knock (1) 27:22 know (2) 7:19 21:21 known (2) 19:7 27:14</p> <hr/>	<p>making (4) 3:19 19:16 22:8,25 marriage (1) 33:12 matter (2) 33:9,14 Meadow (1) 8:2 meaning (1) 17:16 measures (3) 13:14 24:15 27:12 members (1) 10:22 mentioned (3) 5:8 6:12 27:8 meter (4) 8:10,12 28:13 29:24 meter-seizure (1) 27:11 meters (1) 21:7 methane (2) 14:17,17 microphone (3) 5:23,24 6:9 middle (1) 4:10 miles (1) 28:3 million (5) 11:6 23:10,12,14,18 millions (1) 19:22 mind (1) 21:9 Mineola (1) 1:11 minimum (2) 4:20 24:5 miss-statements (1) 31:7 missed (1) 24:18 mission (2) 19:11,23 modernization (1) 14:24 modernize (1) 15:19 Molloy (2) 2:5 14:2 money (3) 8:17 9:11 10:11 month (4) 8:11 26:9 29:4,10 monthly (2) 20:4 29:15 months (2) 9:8 28:3 moon (2) 27:25 28:5 moratorium (1) 30:6 Motion (2) 1:3 3:5 motivation (1) 30:8 multiply (1) 21:15</p> <hr/>	<p>Nicole (3) 1:24 33:6,19 non-hearing (4) 11:10 23:15 24:22 27:3 nonenrolled (1) 27:5 nonprofit (1) 19:9 Notary (1) 33:6 note (1) 4:3 noted (3) 21:15 26:13 32:14 number (9) 8:4,9 10:25 11:21 21:14,22 23:25 25:15 26:8 numbers (1) 22:2 NY (1) 2:4</p> <hr/>
<p align="center">L</p> <hr/> <p>L-E-W-I-S (1) 13:24 L.I (2) 1:5 3:8 laid (1) 23:17 large (1) 12:24 lastly (1) 17:11 late (2) 30:2,8 law (5) 1:17 3:10 19:6,10 20:10 leaving (1) 27:12 left (1) 22:17 Legislative (2) 1:9,10 lesser (2) 27:14,14 level (1) 12:10 Lewis (5) 2:5 13:22,23,24 18:24 limit (2) 5:13 22:24 limited (2) 16:12 22:17 line (1) 17:25 listed (1) 14:23 literature (1) 7:5 little (1) 5:9 live (4) 8:2 9:4 10:23 12:9 lives (1) 30:4 living (3) 11:23 12:9 20:25 long (11) 5:15 9:5 10:23 12:6,9,16 13:11 14:14 17:13 20:25 22:4 longer (1) 28:8 look (3) 9:17 14:5 15:9 looking (2) 15:24 24:23 lose (1) 6:7 lost (1) 21:2 lot (1) 15:15 loudly (1) 6:11 low- (3) 19:13,24 24:9 low-income (9) 12:2,3,25 15:23 21:20 23:19 25:11 26:12 30:7 lower (1) 28:2 luck (1) 28:7</p> <hr/>	<p>middle (1) 4:10 miles (1) 28:3 million (5) 11:6 23:10,12,14,18 millions (1) 19:22 mind (1) 21:9 Mineola (1) 1:11 minimum (2) 4:20 24:5 miss-statements (1) 31:7 missed (1) 24:18 mission (2) 19:11,23 modernization (1) 14:24 modernize (1) 15:19 Molloy (2) 2:5 14:2 money (3) 8:17 9:11 10:11 month (4) 8:11 26:9 29:4,10 monthly (2) 20:4 29:15 months (2) 9:8 28:3 moon (2) 27:25 28:5 moratorium (1) 30:6 Motion (2) 1:3 3:5 motivation (1) 30:8 multiply (1) 21:15</p> <hr/> <p align="center">N</p> <hr/> <p>N-E-A-L (1) 13:24 name (4) 3:9 10:19 13:23 19:3 Nassau (3) 11:20,25 26:18 National (20) 8:5,14 9:10 11:5 12:6 13:6 20:14,18,21 21:4,17 22:4 25:4,8 26:11 27:6,18 29:3,17 31:4 natural (7) 8:21 10:8 11:18 13:10 14:20 16:2,2 Neal (3) 2:5 13:22,24 nearly (1) 29:19 need (4) 5:12 7:6 17:24 24:7 needy (1) 24:13 negotiating (1) 25:9 negotiations (1) 4:11 neighbors (2) 22:13,15 net (1) 29:9 new (14) 1:2,11 3:11 10:20 17:25 19:6,11,16 21:19 24:15 29:23 30:6 33:3,7</p> <hr/>	<p align="center">O</p> <hr/> <p>obtain (2) 3:22 20:6 obviously (2) 5:12 31:19 Office (1) 24:11 oil (5) 9:7,12 15:25 16:12 17:17 okay (2) 3:2 31:14 old (2) 14:21 15:3 older (3) 11:22,24 15:16 once (2) 5:2 30:19 ongoing (1) 10:3 open (1) 4:20 opportunity (4) 4:22 13:19 14:5 19:20 opposition (1) 11:4 oral (2) 6:23 7:12 order (1) 30:5 Ort (10) 1:17 3:2,10 8:6 10:16 13:21 18:24 19:19 31:10 32:3 outcome (1) 33:13 outstanding (1) 4:13 overcharges (1) 29:14 owes (1) 25:22 owners (1) 22:7</p> <hr/>
<p align="center">M</p> <hr/> <p>maintain (2) 13:3 25:12 major (1) 25:18 majority (2) 6:5 29:6</p>	<p align="center">N</p> <hr/> <p>N-E-A-L (1) 13:24 name (4) 3:9 10:19 13:23 19:3 Nassau (3) 11:20,25 26:18 National (20) 8:5,14 9:10 11:5 12:6 13:6 20:14,18,21 21:4,17 22:4 25:4,8 26:11 27:6,18 29:3,17 31:4 natural (7) 8:21 10:8 11:18 13:10 14:20 16:2,2 Neal (3) 2:5 13:22,24 nearly (1) 29:19 need (4) 5:12 7:6 17:24 24:7 needy (1) 24:13 negotiating (1) 25:9 negotiations (1) 4:11 neighbors (2) 22:13,15 net (1) 29:9 new (14) 1:2,11 3:11 10:20 17:25 19:6,11,16 21:19 24:15 29:23 30:6 33:3,7</p> <hr/>	<p align="center">P</p> <hr/> <p>p.m (2) 1:7 32:14 paid (2) 28:25 29:10 panels (1) 16:19 part (3) 3:20 14:19 19:22 particular (2) 15:13 17:12 particularly (2) 17:24 21:5 parties (5) 4:4,6,10 20:11 33:12 pay (4) 8:11 13:17 28:11,23 paying (6) 9:2 12:21 19:17 26:7 27:9 28:22 Payment (2) 22:25 25:3 payments (1) 25:18 peek (1) 25:13 people (23) 5:10,15 6:3,20,25 8:21 8:24 9:4,8 10:6 16:19 17:22 19:22 20:24 21:12,13,17 23:20 23:25 24:4 26:22 27:22 31:18 people's (1) 30:4 percent (26) 11:7,9,12,25 12:3,5</p>

July 26, 2016

12:11,14,17 17:17 19:17 20:18
20:21 22:7,7,10,14,14 24:22,23
27:2,3 29:7,19 30:2,8

percentage (2) 12:25 29:15

person (1) 12:20

personally (2) 8:16 10:24

perspective (1) 17:18

pipeline (1) 13:13

pipes (5) 9:20 10:2 14:21 15:3,16

pipng (1) 9:18

pizza (2) 8:24 9:2

place (3) 5:12 15:14 16:23

places (1) 17:22

plan (10) 8:19,23 23:8,9,11,17,20
24:12,20 26:23

planned (1) 8:19

plans (1) 26:16

Please (1) 21:9

point (7) 3:18 4:23 5:7 7:10,18
18:20 32:8

policy (2) 30:23,25

pollution (1) 16:25

potholes (1) 9:23

poverty (1) 12:10

power (1) 29:23

powerful (1) 14:18

practices (6) 20:16 21:19 25:6
28:17,20 30:11

predation (1) 27:16

predict (1) 26:2

prefer (1) 7:12

present (1) 11:3

presented (1) 4:13

presenting (2) 15:4,5

pressuring (1) 28:11

price (2) 8:24 9:7

primarily (1) 14:9

probably (2) 7:9 9:13

problem (3) 27:15,15 28:8

problems (3) 22:20 26:13 30:15

procedures (2) 25:9 29:24

Proceeding (2) 1:3 3:4

proceedings (34) 1:14 3:1 4:1 5:1
6:1 7:1 8:1 9:1 10:1 11:1 12:1
13:1 14:1 15:1 16:1 17:1 18:1
19:1 20:1 21:1 22:1 23:1 24:1
25:1 26:1 27:1 28:1 29:1 30:1
31:1,24 32:1 33:8,10

process (2) 4:18 18:19

profit (1) 9:25

program (8) 15:23 16:7,11 24:5,9
26:20,21 27:7

programs (4) 17:9 22:25 23:22
24:3

project (3) 18:6 19:6,8

promise (1) 27:25

promote (1) 16:16

promoting (1) 14:12

proposal (5) 4:17 11:12 13:15
24:15,17

proposals (2) 21:19 26:12

proposed (4) 13:7 18:12 20:15
26:25

proposing (2) 3:24 23:4

provide (3) 7:7 14:4 18:8

provided (1) 23:12

provider (1) 27:24

provides (1) 30:13

providing (1) 32:10

PSC (2) 20:6 31:3

public (18) 1:2,13,18 3:11 4:14
11:16 12:11 15:9 17:7,8 19:6
20:5,9 26:21 30:4,17 32:11 33:6

public-interest (1) 19:10

publicly (1) 20:3

PULP (6) 2:6 19:7,9,23 24:5 30:12

PULP's (2) 25:2 29:5

purpose (1) 3:21

put (5) 9:20 10:4 16:19 27:10 29:13

putting (2) 10:13 30:6

Q

quadruple (1) 28:6

quarter (2) 5:11 31:15

QUEENS (1) 33:4

question (2) 17:25 18:11

questionable (1) 21:18

quicker (1) 15:16

quickly (1) 17:2

quite (1) 31:10

quote (1) 26:5

R

R (1) 33:1

Rachel (3) 2:6 18:25 19:4

raising (2) 10:4 11:6

ranging (1) 12:13

rate (22) 3:24 11:4,6,17 13:7,11,18
14:4,8,22 19:21,24 20:8,15 23:8
23:9 24:20,22,24 26:16,23,24

rates (13) 1:4 3:6 8:10 10:5 11:7
12:23 13:2 14:6 18:12,20 19:24
21:18 26:7

reach (2) 4:12 28:6

realize (1) 16:20

really (4) 14:4,16 18:10 28:10

receivables (1) 29:20

received (1) 30:14

receiving (1) 26:19

recess (3) 5:3 31:17,25

Recession (1) 25:14

recommendations (1) 3:19

record (8) 3:16 5:5,7,21 6:14 31:23
32:12 33:10

recorded (1) 6:15

recording (1) 6:8

recovery (1) 22:18

red (1) 25:19

reduce (3) 14:13 15:24 16:23

reduced (6) 23:8,9 24:7,20 26:16
26:22

refer (3) 21:10 30:23,25

referred (2) 14:7,15

regain (1) 28:22

region (1) 13:2

Regulations (2) 1:4 3:6

rejected (2) 11:15 13:18

related (1) 33:11

Relations (1) 19:5

reliable (1) 13:15

relief (1) 27:4

relying (1) 17:16

removals (1) 26:7

renewal (1) 30:6

rent (2) 9:2,3

renters (1) 22:8

repair (1) 9:21

repairs (1) 10:10

repayment (1) 29:22

replace (1) 9:24

replacements (1) 15:13

replacing (2) 15:3,16

reported (4) 1:23 6:15 30:15 33:8

Reporter (3) 5:18 6:12,13

Reports (1) 20:5

represent (1) 19:13

representatives (1) 8:4

represents (1) 21:10

request (2) 20:10 30:21

Requests (1) 20:11

required (3) 25:8 28:16,18

requires (1) 28:20

reside (1) 10:22

residential (6) 11:8,10 17:15 25:20
29:6,16

residents (2) 12:16 26:19

respect (2) 3:23 4:16

respectively (1) 22:14

response (2) 4:7 30:19

responses (1) 20:12

responsibilities (1) 25:12

responsibility (1) 16:16

right (8) 5:23 6:13 8:6,11 18:16
20:17 23:8 31:10

rights (2) 19:13 30:10

rip (1) 9:19

ripping (1) 9:25

risk (2) 27:10 29:21

roadways (1) 9:22

Rockaways (2) 21:2 22:5

Roosevelt (1) 1:9

July 26, 2016

Roughly (1) 11:24
Rules (2) 1:4 3:6
run (2) 10:2 17:24

S

safety (2) 13:14 15:6
sales (1) 30:7
says (1) 24:15
second (1) 15:22
Secondly (1) 24:25
secretary@dps.ny.gov (1) 7:4
securing (1) 26:4
see (6) 5:9 8:14 15:10 16:8,13 18:18
seeking (1) 31:13
seizing (1) 21:7
seizures (1) 29:25
selected (1) 22:23
Self (1) 2:3
Selling (1) 29:19
senior (3) 8:3 12:4,12
seniors (9) 11:21,23,25 12:3,9,19 12:25 19:15 22:15
sense (1) 25:22
separate (1) 18:17
September (1) 26:3
serve (1) 31:6
service (22) 1:2,18 3:12 11:16,19 12:6 15:9 17:7,8 18:8 20:2,4,5,9 22:8 25:12 27:16,19 28:16,25 30:4,17
services (6) 1:6 3:8 13:4,10,15 28:22
set (2) 4:19 33:15
settlement (1) 4:12
seven (2) 5:11 31:16
shadow (1) 28:14
short (2) 13:5 31:25
show (1) 24:19
shows (1) 29:5
shut (2) 20:22,23
shutoff (2) 26:6,9
shutoffs (1) 29:25
signed (3) 4:24 7:23 32:6
significant (2) 13:7 25:4
simply (5) 6:10,17 13:12 22:17 23:4
sir (2) 8:7 10:16
sizable (1) 26:17
skyrocketing (1) 28:12
slowly (1) 6:10
SNAP (1) 24:2
solar (1) 16:19
sold (1) 29:18
sorry (2) 28:18 30:24
sources (1) 20:2
speak (15) 4:21,25 5:10,14,22 6:9

6:9,10,10 7:18 10:21 14:3 21:9 31:13 32:7
speaker (2) 10:17 13:22
speakers (5) 2:2 5:3,6 7:22 31:23
speaking (1) 7:2
specific (1) 18:3
specifics (1) 15:12
spent (1) 22:10
ss (1) 33:3
staff (3) 15:8 18:13 30:20
stamps (1) 24:2
started (1) 3:3
State (8) 1:2 3:11 9:24 10:20 19:11 24:11 33:3,7
stated (2) 5:20 12:17
statement (8) 1:13 4:14 5:16 7:3 7:12,13 31:4 32:12
statements (4) 5:15 6:18,21,23
stay (3) 25:25 31:21,21
stop (2) 10:4 16:15
streets (2) 9:18,19
strong (1) 31:5
structures (1) 20:16
studies (1) 19:23
stuff (1) 10:10
subject (1) 6:22
submit (1) 7:2
substantially (3) 17:3,19 26:17
successfully (1) 27:6
Suffolk (3) 11:23 12:3 26:19
summer (1) 8:12
support (1) 11:3
supports (1) 13:13
surcharges (2) 24:21 26:25
sure (1) 5:19
survey (1) 12:15
suspended (1) 28:21
Sustainability (3) 2:5 13:25 14:11
switch (1) 27:24
switched (2) 29:8,16
switching (2) 15:25 28:2
sworn (1) 6:19
system (7) 14:23 15:20 16:4,6,13 16:13 17:23
systems (3) 17:14,15 24:12

T

T (2) 33:1,1
take (11) 3:25 6:17 12:23 13:16 15:14 18:9 21:14 23:20 24:16 28:4 29:4
taken (2) 8:17 31:25
talk (1) 6:2
talked (1) 27:14
talking (3) 10:10 14:20 27:19
target (1) 23:10
technologies (1) 15:15

tell (1) 28:7
telling (1) 28:14
Temporary (1) 24:11
ten (1) 26:18
tend (1) 6:7
tendency (1) 6:4
terms (1) 17:19
territories (1) 20:2
territory (2) 12:7 22:5
testify (1) 19:20
testimony (1) 4:6
thank (10) 10:14,16 13:19,21 18:23 18:24 19:19 31:11 32:8,13
Theodore (1) 1:9
thing (5) 5:14 10:3 16:18,21 17:5
things (3) 7:9 16:5 18:4
think (14) 14:24,25 15:7,19 16:14 16:15 17:9,21 18:2,4,5,7,12 31:16
third (1) 17:11
Thomas (3) 2:3 7:24,25
threaten (1) 11:17
threats (1) 29:25
time (7) 3:18 5:7,13 7:19 10:15 32:2,14
times (2) 7:11 9:14
today (5) 10:21 11:2 13:20 14:3,7
told (1) 32:5
tonight (2) 19:20 20:13
total (3) 25:16,20 26:8
town (1) 9:23
transcript (1) 33:9
TRANSCRIPTION (1) 1:14
trauma (1) 30:3
triple (1) 28:5
trouble (1) 27:9
true (1) 33:9
try (1) 27:23
turn (1) 6:2
turning (1) 9:9

U

unacceptable (1) 13:5
unaffordability (3) 13:9 21:25 22:3
unaffordable (1) 23:5
under-spent (1) 23:17
undercount (1) 21:23
understand (2) 8:22 16:11
understanding (1) 15:14
unfortunately (2) 6:6 12:21
Union (2) 1:5 3:8
unique (1) 19:10
upgrading (1) 16:6
use (5) 7:3 8:25 9:13 12:19 29:23
utilities (2) 10:3 22:11
utility (9) 12:19,23 16:15 17:6 19:6 19:8,14,24 20:19

Public Service Commission - Case No. 16-G-0058
July 26, 2016

utilized (1) 24:3		
V	Z	4
value (1) 16:14		42.8 (1) 12:13
Van (10) 1:17 3:2,9 8:6 10:16	0.1 (1) 23:14	46 (1) 12:17
13:21 18:24 19:19 31:10 32:3		5
veterans (3) 19:15 21:13 22:16	1	5 (1) 23:10
view (1) 21:16	1,000 (1) 23:15	50 (1) 20:18
violated (1) 25:5	1,709,140 (1) 29:11	50-plus (1) 12:16
vitally (1) 19:21	10 (1) 11:25	500,000 (1) 10:22
volunteers (1) 11:2	103,000 (1) 11:24	6
voted (1) 27:6	106,000 (1) 11:22	6 (1) 12:11
vulnerable (2) 13:17 20:17	11501 (1) 1:11	6:42 (1) 1:7
	12 (1) 12:2	60 (1) 17:17
W	12,000 (1) 20:24	
wait (1) 31:20	13,524 (1) 20:20	7
wall (1) 31:16	14.1 (1) 27:2	7:30 (2) 31:17,22
want (5) 10:14 15:20 16:3 21:24	14.7 (1) 24:22	7:31 (1) 32:4
32:8	14th (1) 30:5	7:32 (1) 32:14
Wantagh (1) 10:23	15 (1) 11:9	74 (1) 22:14
wanted (1) 8:8	1550 (1) 1:10	75 (3) 11:22,24 22:14
wants (1) 4:21	16-G-0058 (2) 1:3 3:4	
watch (2) 14:16 32:4	164 (1) 11:5	8
Water (1) 1:5	17.2 (1) 24:23	80 (1) 22:7
way (5) 7:15 18:16 26:2 28:11	18 (3) 11:12 30:2,8	84.1 (1) 12:14
33:13	18.2 (1) 27:3	
we'll (2) 4:20 18:17	19,403 (2) 24:6 26:14	9
we're (4) 8:12 14:19 18:14 32:11	1st (2) 3:25 33:16	9,000 (1) 23:13
We've (1) 20:13		9,852 (1) 20:23
website (1) 31:5	2	90 (1) 22:7
weight (1) 7:14	2 (1) 23:18	99.8 (1) 29:7
welcome (1) 31:20	2.6 (2) 21:11,12	
WHEREOF (1) 33:15	2.7 (1) 20:21	
whichever (1) 28:25	2003 (1) 26:10	
Widelo (5) 2:4 10:17,18,19 13:21	2005 (1) 22:6	
widely (1) 24:2	2009 (5) 12:8,11,14 25:15 29:15	
willing (1) 24:10	2010 (1) 30:16	
wind (1) 9:22	2012 (1) 25:20	
winter (1) 9:8	2013 (3) 12:10,14 23:11	
wish (1) 31:22	2014 (2) 22:6,12	
withdrawn (1) 30:21	2015 (3) 20:20 26:3,10	
within-entitled (1) 33:8	2015/2016 (1) 8:18	
WITNESS (1) 33:15	2016 (3) 1:7 29:3 33:16	
work (3) 8:18 15:2 24:10	2017 (1) 4:2	
worse (1) 17:19	205 (1) 22:5	
written (3) 7:2,5,13	22,000 (1) 12:9	
	24 (2) 8:11 11:7	
X	25 (1) 12:5	
X (2) 1:3,6	26 (1) 1:7	
	287,000 (1) 11:21	
Y	3	
year (5) 8:17 19:17 20:22,24 22:9	3 (1) 23:12	
years (4) 8:19 15:18 24:16 26:18	30 (2) 19:17 22:10	
York (8) 1:2,11 3:11 10:20 19:7,11	30,000 (1) 23:11	
33:3,7	330,000 (1) 11:23	
Yorkers (1) 19:16	35-year-old (1) 19:9	
younger (1) 12:20	35,000 (2) 19:16 22:9	