

2 STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

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4 CASE No. 16-E-0060 - Proceeding on Motion of
5 the Commission as to the Rates, Charges, Rules
6 and Regulations of Consolidated Edison Company
7 of New York, Inc. for Electric Service

8 CASE No. 16-G-0061 - Proceeding on Motion of
9 the Commission as to the Rates, Charges, Rules
10 and Regulations of Consolidated Edison Company
11 of New York, Inc. for Gas Service

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Public Statement Hearing
One Larkin Center
Yonkers, New York 10701

June 22, 2016
4:30 p.m.

PRESIDING:

BEN WILES, ESQ.
Administrative Law Judge

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2 ALJ WILES: We're on the record
3 now. Good afternoon, ladies and
4 gentlemen. My name is Ben Wiles and I'm
5 an Administrative Law Judge with the
6 Department of Public Service. With me
7 today is also a staff member from the
8 Department of Public Service, Anna
9 Senatore, who will provide an
10 off-the-record discussion in a few
11 moments.

12 I have to call Case No.
13 16-E-0060, which is entitled Proceeding on
14 Motion of the Commission as to the Rates,
15 Charges, Rules and Regulations of
16 Consolidated Edison Company of New York,
17 Incorporated for Electric Service, and
18 Case No. 16-G-0061, which is entitled
19 Proceeding on Motion of the Commission as
20 to the Rates, Charges, Rules and
21 Regulations of Consolidated Edison Company
22 of New York, Inc. for Gas Services. Those
23 are the two cases that are the subject of
24 this afternoon's Public Statement Hearing,
25 one for electricity and one for gas, but

2 they're both obviously Con Ed cases and
3 are being pursued simultaneously and on
4 the same record.

5 At the outset, of course, I'd
6 like to thank the Yonkers Public Library
7 for helping with the arrangements for this
8 event.

9 As I mentioned, I will be
10 conducting the Public Statement Hearing.
11 My objective in doing this is to provide
12 as large an opportunity as I can for
13 members of the public to offer their
14 comments on the record on the issues as
15 they perceive them in this case. This is
16 the second Public Statement Hearing we
17 have held. Yesterday we had one in the
18 Department of Public Service's office in
19 Manhattan.

20 Before we move to take comments,
21 there will be a short off-the-record
22 presentation by staff, that's
23 Ms. Senatore, to provide some background
24 development of these cases so far. By off
25 the record, we mean that the reporter will

2 not be taking down what is said and there
3 will be no transcript made on this part of
4 today's proceedings. So, at this point,
5 it's about 4:35, we'll go off the record.

6 (Whereupon, there is a pause
7 in the proceeding.)

8 ALJ WILES: Now I will describe
9 the hearing itself that we're about to
10 conduct and the way we will take your
11 comments. As you may have learned when
12 you came in, we have asked those that wish
13 to speak to fill out a participation card
14 and to leave the completed card with the
15 PSC staff at the door. Staff will number
16 the cards as they receive them and then
17 give them to me and I will call for the
18 speakers following that numerical order.
19 Actually, in this case we're going to make
20 an exception in the order so that
21 Mr. Silver can speak first.

22 MR. SILVER: Thank you.

23 ALJ WILES: I have no doubt
24 we'll finish this well before our time
25 will expire. On the other hand, I should

2 note that if it looked like at some time
3 we were going to be unable to hear all the
4 speakers who wanted to make a comment, I
5 may ask commenters not to repeat a comment
6 that others have already made, and if the
7 commenter has prepared written comment, to
8 hand it up rather than read the comment.

9 As I mentioned earlier, we have
10 a stenographer here today to record the
11 proceeding when we go on the record. If
12 you are providing a comment, please speak
13 loudly and clearly so that your name and
14 statement will be recorded effectively.
15 Please introduce yourself and spell your
16 name as you begin your comment. Both oral
17 and written statements can be received
18 during this Public Statement Hearing. As
19 I mentioned earlier, if you have a written
20 statement and you hand it up, it will be
21 incorporated into the record just as if it
22 was spoken here this afternoon, and
23 therefore, there is no need to read the
24 statement into the record orally.

25 I think we can begin.

2 Mr. Silver, you want to step to the
3 microphone?

4 MR. SILVER: Yes.

5 ALJ WILES: We're just using the
6 microphone so it's easier for the reporter
7 to hear what you're saying.

8 MR. SILVER: My name is Roy
9 Silver, S-I-L-V-E-R. I live on West 89th
10 Street in Manhattan, and I've been active
11 in our block association and I'm kind of
12 speaking for myself, to some degree, and
13 to the many seniors on our block,
14 especially those who are on limited
15 income.

16 This rate increase, most of the
17 people on our block heat with gas and we
18 find that this rate structure is very
19 burdensome the way it's currently
20 structured. You break it out into
21 delivery and product and many -- for
22 instance, I'll just speak to my bill, I
23 barely use one therm a month and some
24 months it's zero, so my product is zero
25 but my delivery is a set rate, and that, I

2 believe, is about \$20 a month.

3 The same holds true of
4 electricity but their disparity is less so
5 because electricity is used for
6 everything, gas is just used for cooking.
7 So what results is that, you know, month
8 after month I'm paying for delivery and
9 for zero -- almost zero product. It would
10 be helpful, especially as you consider
11 these large rate increases, that somehow
12 those who use more should pay more for the
13 delivery and because, like I say, many of
14 our people are on assistance, HEAP and
15 other aid, and so this becomes a real
16 problem. We hope that somewhere in this
17 whole process that that procedure is
18 revised more equally between delivery and
19 product.

20 I have one other observation.
21 We live next to Central Park, many of us
22 have been there a long time, so we're not
23 high-income seniors; we're on rent control
24 or rent stabilization. We notice when Con
25 Ed does work on our block -- and this

2 happens often -- they will work on the
3 block for one, two, three days, they will
4 finish their job and they will go back to
5 their vehicles and just sit there,
6 sometimes for hours, sometimes even they
7 come back the next day, and there's no
8 work being done, they're just sitting
9 there. Even one time after they finished
10 their work and stayed around for a few
11 hours, they left, they went into Central
12 Park, they parked their vehicle there.
13 And I was jogging, I noticed that same
14 vehicle in the park.

15 Now, I'm assuming that -- and
16 these are line workers as well as
17 supervisors, so I'm assuming all this goes
18 into the rate base and you do a cost plus
19 and it seems like there is no PSC or other
20 oversight of this so, you know, it almost
21 encourages them just to hang out for a
22 while because they'll get it back in a
23 cost plus process. So we would hope that
24 in the future the PSC would do audits. I
25 mean, come out on the work sites, see what

2 goes into the rate base and, again, this
3 all goes back to those who find paying for
4 electricity and gas very burdensome.

5 So those are my comments. I
6 hope you take it into consideration. I
7 know your process to decide is quite
8 limited, but maybe a revision of this, you
9 know, both oversight, if there is any, and
10 the rate process itself. Okay?

11 ALJ WILES: The next speaker is
12 Rachel Burd.

13 MS. BURD: Good afternoon.
14 Thank you, Judge Wiles, for the
15 opportunity to testify here tonight with
16 this vitally important rate case that
17 affects millions of people. My name is
18 Rachel Burd, R-A-C-H-E-L B-U-R-D. I'm the
19 New York City Representative of the Public
20 Utility Law Project of New York, otherwise
21 known as PULP or the Utility Project. I'm
22 responsible for PULP's community relations
23 and communications.

24 PULP is a 35-year-old nonprofit
25 public interest law firm with a unique

2 mission in New York State. We are the
3 independent consumer advocate that
4 represents the rights of low and fixed
5 income New Yorkers, such as seniors, the
6 disabled, veterans and other New Yorkers
7 paying 30 percent or more of their income
8 in housing costs and making less than
9 \$35,000 per year per household.

10 As part of its mission and to
11 prepare for this rate case, PULP has
12 analyzed data from a wide range of
13 official sources and publicly available
14 documents. These include the United
15 States Census Bureau, monthly collection
16 activity reports submitted by Con Edison
17 to the Public Service Commission, which
18 were obtained by PULP either from Con
19 Edison during discovery in this proceeding
20 or from the Department of Public Service
21 through requests under the Freedom of
22 Information Law and discovery requests by
23 other parties in this proceeding and Con
24 Edison's responses. PULP was therefore
25 able to draw a wide-ranging and in-depth

2 portrait of the current difficulties Con
3 Edison's customers have paying their
4 bills.

5 In addition, we were able to,
6 much like Oscar Wilde did in his fictional
7 depiction of Dorian Gray, anticipate how
8 much more unaffordable these customers
9 would find their bills over time,
10 particularly given Con Edison's failure to
11 propose increases either in the reduced
12 rate electric and gas programs or other
13 means to rectify the current level of
14 under-enrollment of customers in the low
15 and fixed income rate reduction programs.

16 Among our findings are, one,
17 consistent uptrends in past due balances
18 among Con Edison's residential customers.
19 Two, inadequate enrollment targets and
20 funding for Con Edison's reduced rate
21 plans. Three, increasing default rates on
22 deferred payment agreements, or DPAs.
23 Four, deceptive collection practices
24 utilizing official court premises and
25 distortion of legal procedures. Five,

2 rate designs that feature high fixed basic
3 service charges for electric and gas
4 service and declining lock service rates
5 for gas delivery service which result in
6 higher unit energy costs for low-income
7 people than for those with higher incomes.
8 And six, recovery of 100 percent of
9 environmental cleanup costs, the site
10 investigation, remediation, or surcharges
11 from ratepayers. These burdens would be
12 added to those that have accumulated in
13 the last ten years.

14 What am I talking about when I
15 refer to burdens on energy customers?
16 Well, as of March 2016, more than 300
17 thousand residential customers, or 10.3
18 percent of Con Edison's total residential
19 customers were more than 60 days behind in
20 their bills compared to the over 270,000
21 residential customers, or 9.9 percent of
22 total residential customers who had fallen
23 behind as of January 2005. In March 2016,
24 residential customers in Con Edison
25 service areas owed over \$250 million or

2 \$825 per customer compared to 2005, when
3 residential customers owed only \$100
4 million, \$370 on average per customer per
5 month.

6 In 2015, more than 2.5 million
7 final termination notices were issued to
8 Con Edison's residential customers. That
9 is an increase of 1 million notices over
10 the nearly 1.5 million that were issued in
11 2005; 1 million more notices in only ten
12 years. In 2015 alone, service to nearly
13 70,000 households was shut off. When you
14 realize that each customer account
15 comprises roughly 2.5 people, that means
16 almost 200 thousand people in Con Edison's
17 service territory had their energy service
18 cut off. No lights, no modem, no
19 refrigeration, completely cut off. As of
20 March 2016, nearly 140,000 residential
21 customers with arrears greater than sixty
22 days needed to negotiate deferred payment
23 agreements, compared to only 89,000 such
24 agreements in January of 2005. And
25 finally, for the twelve months ending

2 March 2016, an average of 11.3 percent of
3 customers entering into DPAs had defaulted
4 on their agreement. This was the highest
5 rate of default in any twelve-month period
6 between January 2005 and the present,
7 including during the 2008 financial crisis
8 and Great Recession.

9 To fill out the picture of
10 unaffordability and families struggling
11 with rapidly growing bills that I have
12 painted for you, it is also important to
13 know that, beginning in 2009, Con Edison
14 initiated over 175,000 meter removal
15 actions against its residential and
16 non-residential customers that owed it
17 money, again relying on extreme measures
18 for bill collection. Other company
19 policies have only darkened this picture.
20 Con Edison's current enrollment and its
21 enrollment targets for its reduced rate
22 plan and their funding are willfully
23 inadequate.

24 To understand how many customers
25 might be eligible for Con Edison's

2 Electric Reduced Rate Plan but who are not
3 in fact enrolled PULP looked at the
4 estimate of food stamp, or SNAP,
5 recipients in Con Edison's service area
6 between 2005 and 2014. Food stamps are
7 one of the most highly enrolled government
8 assistance programs, if not the highest,
9 and receipt of food stamps automatically
10 confers eligibility in the Electric
11 Reduced Rate Plan. PULP found that a
12 minimum of 158,204 customers eligible for
13 food stamps are not participating in Con
14 Edison's Electric Reduced Rate Plan, and
15 that's a minimum. First and foremost,
16 capturing these eligible customers would
17 bring great relief to those low-income
18 families. I think no one would agree that
19 New Yorkers in so much distress that
20 they're eligible for food stamps should be
21 hungry and sitting in the dark or cold.

22 Turning to the issue of rate
23 design, Con Edison's aggressive use of
24 high "basic" service charges penalizes
25 low-income and low-use customers and

2 discourages energy savings. In comparing
3 Public Service Commission typical bill
4 reports with Con Edison's current rates,
5 PULP found that Con Edison's monthly fixed
6 cost basic service fees for electric
7 service rose 27 percent between 2005 and
8 2015. The basic service charge for gas
9 heating customers increased 64.8 percent
10 over the same ten years. The basic
11 service charge for non-heating customers
12 rose 29.9 percent during the same period.
13 And generally speaking, Con Edison's basic
14 service charges are higher than most of
15 its sister utilities in the rest of the
16 country.

17 In summary, Con Edison's rate
18 proposal would cause deep and caustic
19 wounds for the low-income customers in its
20 service territory due to the interplay of
21 rate increases and basic service charge
22 increases. And to add insult to injury,
23 given that no increases are proposed to
24 discount Con Edison's Electric Reduced
25 Rate Plan, delivery rate increases would

2 actually be higher for participants in the
3 plan than with those of other customers.

4 In the end, there is no other
5 way to describe it other than to say that
6 Con Edison's rate proposal in the current
7 case paints a dark and cold picture for
8 low-income customers indeed.

9 Thank you.

10 ALJ WILES: Thank you.

11 Our third speaker this afternoon
12 is Assemblywoman Mayer.

13 MS. MAYER: Good afternoon and
14 thank you for coming to Yonkers. As a
15 member of the New York State Assembly, my
16 name is Shelley Mayer, M-A-Y-E-R, who
17 represents the City of Yonkers, New York,
18 New York's fourth largest city.

19 I feel compelled to speak today
20 to oppose the rate increase sought by Con
21 Edison and particularly to stress to the
22 members of the Public Service Commission
23 the very real human impact of such a
24 significant increase. I do intend to
25 submit longer, more detailed testimony in

2 writing after the hearing.

3 Yonkers is home to thousands of
4 working people with a median income of
5 \$61,000 and 16 percent of our residents in
6 poverty. Our City continues to recover
7 from the recession, but my constituents
8 still face substantial economic
9 uncertainty, high housing and
10 transportation costs and substantial job
11 insecurity. Yonkers renters in particular
12 are hard hit by utility costs. For whom
13 it takes a particular large percentage of
14 their income, seniors also are
15 particularly impacted by increasing
16 housing and utility costs. Unfortunately,
17 the rate increase proposed by Con Edison
18 will result in the average Westchester
19 ratepayer experiencing approximately a 10
20 increase in his or her bill.

21 According to their proposal, Con
22 Ed is seeking to increase electric
23 delivery revenues by 482 million, which
24 includes 140 million for infrastructure
25 investments to enhance reliability. It

2 seeks to increase gas delivery revenues by
3 154 million, which includes 77 million for
4 infrastructure investments. The average
5 ratepayer may now have to pay
6 substantially more for gas and
7 electricity, and while I understand the
8 need to invest in our infrastructure,
9 including advanced meter reader
10 infrastructure, I fear it cannot be at the
11 expense of ratepayers who are struggling
12 to stay afloat. With many consumers
13 experiencing little or no wage increase
14 and the consumer price index in related
15 increases in Social Security, flat or
16 almost flat is quite difficult for
17 consumers to absorb such a significant
18 increase.

19 This year Con Edison investors
20 have seen stocks yielding positive
21 results. So far this year the stock has
22 jumped over 23 percent. Returns on
23 investment are an important piece of Con
24 Edison's delivery model, but individual
25 ratepayers in this economy cannot foot the

2 bill. In the next legislative session I
3 am hopeful the Senate will pass
4 legislation which the Assembly has already
5 passed to create an independent consumer
6 advocate. Until then, my constituents
7 will rely on the voices of their elected
8 officials to represent their interests and
9 voice their serious economic challenges to
10 those who will decide the basic costs they
11 must assume.

12 On behalf of the many residents
13 of Yonkers, 200,000, I urge that you
14 carefully evaluate this application and
15 reject increases that will pose burdens on
16 our many residents struggling to stay
17 afloat and to obtain economic stability in
18 this uncertain time.

19 Thank you very much.

20 ALJ WILES: Thank you.

21 Is there anyone else who wishes
22 to speak? Is there anyone else who wishes
23 to speak who didn't fill out a card?

24 (No response.)

25 ALJ WILES: What we're going to

2 do now is, we had said in the notice that
3 we would keep the hearing open for at
4 least an hour. It started at 4:30, so
5 what I'll do now is just adjourn and we'll
6 wait until time passes, and if no one
7 appears and wishes to make a comment by
8 5:30, we will then close the hearing at
9 that time. So we're in adjournment at the
10 moment.

11 (Whereupon, there is a pause
12 in the proceeding.)

13 ALJ WILES: We're back on the
14 record. It's now 5:30. No one has come
15 to the meeting since we adjourned and so
16 there are no additional comments that need
17 to be incorporated in the record and this
18 Public Statement Hearing is adjourned.

19 (Time noted: 5:31 p.m.)
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C E R T I F I C A T E

STATE OF NEW YORK)
 ss. :
COUNTY OF RICHMOND)

I, Therese L. Sturges, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify:

I reported the proceedings in the within-entitled matter and that the within transcript is a true record of such proceedings.

I further certify that I am not related to any of the parties to this action by blood or marriage; and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 28th of June, 2016.

THERESE L. STURGES

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