

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held in the City of
Albany on December 19, 2024

COMMISSIONERS PRESENT:

Rory M. Christian, Chair
James S. Alesi
John B. Maggiore
Uchenna S. Bright
Denise M. Sheehan
Radina R. Valova

CASE 20-M-0082 - Proceeding on Motion of the Commission
Regarding Strategic Use of Energy Related Data.

ORDER CLARIFYING INTEGRATED ENERGY DATA RESOURCE
PHASE 2 COST COLLECTIONS

(Issued and Effective December 20, 2024)

BY THE COMMISSION:

INTRODUCTION

On October 31, 2024, the Joint Utilities¹ filed a petition (Petition) seeking clarification on the Public Service Commission's (Commission) Integrated Energy Data Resource (IEDR)

¹ The Joint Utilities consist of Consolidated Edison Company of New York, Inc. (Con Edison), Orange and Rockland Utilities, Inc. (O&R), Central Hudson Gas & Electric Corporation (Central Hudson), Niagara Mohawk Power Corporation d/b/a National Grid (Niagara Mohawk), The Brooklyn Union Gas Company d/b/a National Grid NY (KEDNY), KeySpan Gas East Corporation d/b/a National Grid (KEDLI, and together with KEDNY and Niagara Mohawk, National Grid), New York State Electric & Gas Corporation (NYSEG), Rochester Gas and Electric Corporation (RG&E, and together with NYSEG, Avangrid), National Fuel Gas Corporation (NFG), and Liberty Utilities (St. Lawrence Gas) Corp. (Liberty Utilities).

Phase 2 Order.² In the IEDR Phase 2 Order, the Commission approved budgets for each of the Joint Utilities, as well as the New York State Energy Research and Development Authority (NYSERDA), to implement Phase 2 of the IEDR initiative. The Petition seeks clarification regarding the specific collection amounts for each jurisdictional electric utility to recover IEDR Phase 2 costs incurred by NYSERDA, and the time period over which the collections are to be collected.³

By this Order, the Commission clarifies the utility-specific collections schedules for each of the jurisdictional electric utilities to recover NYSERDA's IEDR Phase 2 costs, which are set forth in Appendix C.

BACKGROUND

On February 11, 2021, the Commission issued an order directing the development of a statewide IEDR platform that securely collects, integrates, and provides useful access to a large and diverse set of energy-related information from all of the state's utilities, on one statewide data platform.⁴ The IEDR Order directed that the development of the IEDR platform be executed in two phases, Phase 1 and Phase 2, each based on use case priorities, and each with appropriate timelines and budgets. Phase 1 of the program focused on essential activities related to data collection, integration, and initial platform establishment to be overseen by a Program Sponsor, as well as

² Case 20-M-0082, Order Approving Integrated Energy Data Resource Phase 2 Budgets (issued January 19, 2024) (IEDR Phase 2 Order).

³ The jurisdictional electric utilities are defined as Central Hudson, Con Edison, Niagara Mohawk, NYSEG, O&R, and RG&E.

⁴ Case 20-M-0082, Order Implementing an Integrated Energy Data Resource (issued February 11, 2021) (IEDR Order).

the state's major gas and electric utilities.⁵ To achieve these objectives, the Commission established funding by tailoring specific budget caps for both the Program Sponsor and the Joint Utilities. The Commission specifically directed that IEDR costs incurred by the Program Sponsor should be allocated to and recovered from the state's jurisdictional electric utilities. An Initial Public Version of the IEDR platform was developed and made available to the public on March 31, 2023, as a part of the IEDR Phase 1 process.

Thereafter, on May 12, 2023, NYSERDA filed a proposal for Phase 2 of the IEDR initiative, including details on the costs associated with implementing necessary information technology system upgrades capable of meeting Phase 2 objectives, and NYSERDA's estimate of costs that it expects to incur for Phase 2 of the IEDR. On that same day, Central Hudson, NFG, Liberty Utilities, National Grid, Avangrid, and Con Edison/O&R filed their individual cost estimates to implement Phase 2 of the IEDR.

In the IEDR Phase 2 Order issued on January 19, 2024, the Commission, among other things, approved NYSERDA's Phase 2 cost estimate of approximately \$36.4 million, comprised of approximately \$24.5 million in NYSERDA and contracted labor costs and \$11.0 million in licensing, travel, and other direct costs. The Commission also specifically directed that costs incurred by NYSERDA for Phase 2 of the IEDR program be allocated to and collected from the jurisdictional electric utilities via the existing Bill-As-You-Go mechanism. The IEDR Phase 2 Order directed NYSERDA to file with the Secretary to the Commission an updated Bill-As-You-Go Summary for Phase 2, and to make any necessary changes to existing Bill-As-You-Go funding agreements

⁵ In the IEDR Order, the Commission appointed NYSERDA to serve in the role of Program Sponsor.

between NYSERDA and the electric utilities. The IEDR Phase 2 Order also approved the individual utilities' budget estimates, and directed that utility Phase 2 IEDR costs be deferred for future cost recovery in rate case filings.

PETITION

In the Petition, the Joint Utilities explain that the IEDR Phase 2 Order provided the total amount that NYSERDA would incur and collect from the jurisdictional electric utilities for Phase 2 of the IEDR, but failed to specify the amounts that each electric utility should collect from customers to pay NYSERDA for those costs through the existing Bill-As-You-Go methodology. The Petition notes that Appendix B of the IEDR Phase 2 Order specified cost allocation percentages based on calendar year 2022 annual delivery service load (in megawatt-hours or MWh) to be used for the allocation of Phase 2 IEDR costs. The Joint Utilities note, however, that for Phase 1, NYSERDA specified in its September 15, 2021 Amended Implementation Plan the total dollar amounts allocated to each electric utility, as well as the Long Island Power Authority (LIPA) and the New York Power Authority (NYPA), for collection.⁶ The Joint Utilities therefore request that the Commission allow the allocation percentages set forth in the Amended Implementation Plan to continue, and provide the allocated dollar amounts by utility, LIPA, and NYPA, for Phase 2 IEDR costs.

The Joint Utilities also note that the IEDR Phase 2 Order did not specify a collection schedule for NYSERDA's Phase 2 IEDR costs, or a timeframe for that collection. The Joint Utilities assert that, without this information, they would be left to make their own assumptions for the time period over

⁶ See Case 20-M-0082, Amended Implementation Plan (filed September 15, 2021), p. 15.

which to collect their allocated amounts of NYSERDA's IEDR Phase 2 costs. Accordingly, the Joint Utilities request that the Commission provide a collection schedule and timeframe for the IEDR Phase 2 costs, consistent with IEDR Phase 1.

DISCUSSION AND CONCLUSION

As detailed in the IEDR Phase 2 Order, the Commission approved \$36,386,193 in funding for NYSERDA's IEDR Phase 2 Costs and specified that the Bill-As-You-Go method shall be used for cost recovery.⁷ This mechanism, which the Commission has utilized for the transfer of funds from utilities to NYSERDA for several clean energy programs, allows for NYSERDA to bill the utilities for projected expenditures for the programs based on maintaining a two-month working capital balance. Consistent with the Commission's CEF Framework Order, the jurisdictional electric utilities are directed to apply carrying charges to all cash balances collected and will apply interest charges at the "other customer cost of capital" rate, to be segregated on the books of each utility and used for the benefit of ratepayers. In addition, in the CEF Modifications Order,⁸ the Commission directed the jurisdictional electric utilities to report accumulated interest as part of the Bill-As-You-Go Accrued Interest Report as detailed within Department of Public Service Staff's Clean Energy Guidance Document CE-11 Clean Energy Fund

⁷ The Clean Energy Fund (CEF) Framework Order authorized a Bill-As-You-Go structure whereby ratepayer funds are collected from customers and held at each of the utilities until transferred to NYSERDA as monies are necessary to meet near-term obligations. See Case 14-M-0094, Clean Energy Fund, Order Authorizing the Clean Energy Fund Framework (issued January 21, 2016) (CEF Framework Order).

⁸ Case 14-M-0094, supra, Order Approving Clean Energy Fund Modifications (issued September 9, 2021) (CEF Modifications Order).

Reporting.⁹ The Commission clarifies here that the Bill-As-You-Go Accrued Interest Report shall include interest accrued for all funding utilizing the Bill-As-You-Go mechanism, including the IEDR Phase 2 costs.

In the IEDR Phase 2 Order, the Commission specified that the costs shall be allocated across the jurisdictional electric utilities and LIPA based on a MWh load ratio share, using the 2022 annual delivery load totals. The pro-rata share allocated to each electric utility and LIPA, as originally stated in Appendix B of the IEDR Phase 2 Order, shall be used for the allocation of costs to each electric utility and is included in Appendix A of this Order for convenience. The Commission rejects the Joint Utilities' request to revert to the allocations represented in the Amended Implementation Plan, which predated the Commission's IEDR Phase 2 Order.

To address the Joint Utilities' request for clarification related to the timing of the collections of costs from ratepayers, the Commission first notes that the costs for the IEDR Phase 2 program are expected to be incurred over the period 2024 to 2026. Appendix B of this Order reflects an update to the total projected annual NYSERDA costs, as estimated by NYSERDA, which accounts for delays experienced with the project to date. Since the collection schedule will begin in 2025, the Commission has included the expected 2024 costs in with the 2025 costs for collection purposes. Therefore, the jurisdictional electric utilities are directed to collect their proportional share of the costs, as identified in Appendix C of this Order, over the period 2025 through 2026.

Each jurisdictional electric utility shall file any necessary tariff amendments and statements for its existing IEDR

⁹ Case 14-M-0094, supra, Clean Energy Fund Reporting Guidance (filed December 16, 2021).

collection mechanism, as required to implement the recovery from customers of NYSERDA's Phase 2 IEDR costs, as clarified in the body and Appendices of this Order. Any necessary tariff statements shall itemize the cost recovery for the IEDR from other programs listed on the same statement. The tariff amendments shall be filed on not less than five days' notice, to become effective on a permanent basis on January 1, 2025. The tariff statements shall be filed on not less than one day's notice to become effective on a permanent basis on January 1, 2025, and thereafter on not less than 15 days' notice to become effective on a permanent basis on January 1 of each calendar year going forward. Since these tariff amendments and statements are being required by the Commission per the directives in this Order, the requirements of PSL §66(12)(b) and 16 NYCRR §720-8.1 as to newspaper publication are waived. NYSERDA and the jurisdictional electric utilities are also directed to update and file the Bill-As-You-Go Summary in each of the affected matters, and to execute any necessary changes to the Bill-As-You-Go funding agreements, within 60 days of the issuance of this Order.¹⁰ NYSERDA shall file an updated Clean Energy Fund Cash Flow Analysis within 30 days of the issuance of this Order reflecting the collections and projected expenditures associated with Phase 2 of the IEDR program.¹¹

¹⁰ When filing with the Secretary, the updated Bill-As-You-Go Summary should be filed concurrently within Case-14-M-0094.

¹¹ When filing with the Secretary, the updated Clean Energy Fund Cash Flow Analysis should be filed concurrently within Case 14-M-0094.

The Commission orders:

1. The Commission's January 19, 2024 Order Approving Integrated Energy Data Resource Phase 2 Budgets is clarified, as discussed in the body of this Order.

2. Consolidated Edison Company of New York, Inc., Orange and Rockland Utilities, Inc., Central Hudson Gas & Electric Corporation, Niagara Mohawk Power Corporation d/b/a National Grid, New York State Electric & Gas Corporation, and Rochester Gas and Electric Corporation shall file tariff amendments, on not less than five days' notice, to become effective on January 1, 2025, incorporating the revisions discussed in the body of this Order.

3. Consolidated Edison Company of New York, Inc., Orange and Rockland Utilities, Inc., Central Hudson Gas & Electric Corporation, Niagara Mohawk Power Corporation d/b/a National Grid, New York State Electric & Gas Corporation, and Rochester Gas and Electric Corporation shall file tariff statements, on not less than one day's notice, to become effective on January 1, 2025, and thereafter on not less than 15 days' notice to become effective on January 1 of each calendar year, incorporating the revisions discussed in the body of this Order.

4. The New York State Energy Research and Development Authority, Consolidated Edison Company of New York, Inc., Orange and Rockland Utilities, Inc., Central Hudson Gas & Electric Corporation, Niagara Mohawk Power Corporation d/b/a National Grid, New York State Electric & Gas Corporation, and Rochester Gas and Electric Corporation shall update and file the Bill-As-You-Go Summary in Cases 20-M-0082 and 14-M-0094, and execute any necessary changes to the Bill-As-You-Go funding agreements, within 60 days of the issuance of this Order, as discussed in the body of this Order.

5. The New York State Energy Research and Development Authority shall file an updated Clean Energy Fund Cash Flow Analysis incorporating the collections and projected expenditures for Phase 2 of the Integrated Energy Data Resource Program, within 30 days of the issuance of this Order, as discussed in the body of this Order.

6. The requirements of Public Service Law §66(12)(b) and 16 NYCRR §720.8.1, as to newspaper publication for the modifications directed in Ordering Clause Nos. 2 and 3, are waived.

7. In the Secretary's sole discretion, the deadlines set forth in this Order may be extended. Any request for an extension must be in writing, must include a justification for the extension, and must be filed at least three days prior to the affected deadline.

8. This proceeding is continued.

By the Commission,

(SIGNED)

MICHELLE L. PHILLIPS
Secretary

APPENDIX A - IEDR Phase Two Program Cost Allocations

	2022 Annual Delivery Service Load (MWh)	MWh Load Ratio Share
Central Hudson	5,038,524	3.7%
Con Edison	53,290,877	38.6%
NYSEG	16,170,214	11.7%
National Grid	33,248,701	24.1%
O&R	4,211,186	3.1%
RG&E	7,271,949	5.3%
LIPA	18,743,000	13.6%
Total	137,974,451	100.00%

APPENDIX B - NYSERDA Projected IEDR Phase Two Costs by Year

	2024	2025	2026	Total
Total	\$9,231,994	\$14,131,978	\$13,022,220	\$36,386,193

APPENDIX C - NYSERDA IEDR Phase Two Total Cost Allocation and Collection Schedule for Utilities and LIPA

<p style="text-align: center;">IEDR Phase 2 Cost (including Program Manager, Development Team, Utility Data Advisor, and Program Sponsor) Allocation and Collection Schedule for Utilities and LIPA</p>								
	Program Costs (nominal)	Central Hudson	Con Edison	NYSEG	National Grid	O&R	RG&E	LIPA
2025	\$ 23,363,973	\$ 853,201	\$ 9,024,037	\$ 2,738,191	\$ 5,630,185	\$ 713,103	\$ 1,231,399	\$ 3,173,855
2026	\$ 13,022,220	\$ 475,543	\$ 5,029,667	\$ 1,526,167	\$ 3,138,059	\$ 397,458	\$ 686,337	\$ 1,768,990
Total:	\$ 36,386,193	\$ 1,328,744	\$ 14,053,704	\$ 4,264,359	\$ 8,768,244	\$ 1,110,561	\$ 1,917,736	\$ 4,942,846