NEW YORK STATE OF OPPORTUNITY. Department of Public Service

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Rory M. Christian
Chair and
Chief Executive Officer

March 28, 2023

Via Email and U.S. Mail:
Honorable Mark Fischl, Vice Chairman
Board of Trustees
Long Island Power Authority
333 Earle Ovington Blvd.
Uniondale, New York 11553
boardoftrustees@lipower.org

Re: Matter 23-00071 – Recommendations Regarding Long Island Power Authority's Proposed Modifications to its Tariff for Electric Service

Dear Vice-Chairman Fischl:

I am pleased to provide the recommendations of the New York State Department of Public Service (DPS or the Department) regarding the Long Island Power Authority's (LIPA or the Authority) introduction of new Time-of-Day (TOD) Rates as its standard electric rate for residential customers in 2024. The LIPA Reform Act (LRA) authorizes the Department to make recommendations regarding the operations and terms and conditions of service provided by the Authority and its Service Provider. The Department recommends LIPA's proposal be adopted in accordance with the recommendations contained in the discussion set forth herein.

LIPA proposes to implement two TOD rates as the default/standard rate for residential non-heating service starting in 2024. LIPA's proposal would add two new rate codes to Service Classification No. 1 (SC-1), 194 (2-period TOD) and 195 (optional 3-period TOD) (collectively TOD rates) for residential non-heating customers. The two new TOD rates are variable based on the time of day electricity is used. By comparison, the existing Rate 180 (the Flat Rate) is the current default/standard rate for residential customers, which offers a flat rate except for the summer when there is an increase for usage over 250 kWh. Starting in 2024, LIPA proposes to gradually transition existing customers to the 194 rate in three migration waves throughout 2024. The Project Implementation Plan (PIP) for the specific transition of customers has not been finalized. LIPA's revised Tariff would become effective April 1, 2023, ten months before LIPA intends to migrate the first wave of customers to these new rates. Optimally, the Tariff leaves would go into effect at the time the migration begins, however, LIPA proposes to have the LIPA Board adopt TOD ahead of finalizing its plans to migrate customers.

New customers applying for service after January 1, 2024, will be automatically enrolled in the 194 rate. Any customer will have the option to opt-out of the new standard TOD rate and revert back to Rate 180 or apply for Rate 195. LIPA also proposes closing its existing Voluntary Time of Use (VTOU) rates to new customers at the time the new TOD rates become available effective September 15, 2023.[1]

Currently, LIPA offers four VTOU rates (190-Short Peak, 191-Late Peak, 192-Early Peak, & 193-Day/Night) for residential customers who have installed a smart meter. These VTOU rates differentiate both the delivery service charge and the power supply charge between the peak and off-peak periods. The VTOU rates give customers the opportunity to access lower electricity prices at different times of the day. Existing customers enrolled in a VTOU rate will be able to remain on their VTOU rate or transfer to one of the new TOD rates. Customers who transfer from their VTOU rate will not be able to revert back to a VTOU rate after transferring.

Both Rates 194 and 195 have two components, which include delivery and power supply rates. Both the delivery rates and power supply charges will be differentiated over time, as discussed below. Rate 194 is a 2-period TOD rate featuring a peak period on weekdays (excluding holidays) from 3 PM to 7 PM, while all other hours are off-peak. There will be a 2:1 peak-to-off-peak ratio for both the delivery and power supply rate. Rate 195 is a 3-period TOD rate featuring a peak period on weekdays from 3 PM to 7 PM (excluding holidays) and a super off-peak period from 10 PM to 6 AM every day, with an off-peak period for all other times. Rate 195 utilizes different ratios to distinguish the delivery rates and power supply charges across peak, off-peak, and super off-peak periods for both summer and winter seasons.[2] Staff has appended a comparison of LIPA's current Flat Rate and its proposed TOD rates. The appendix also delineates the default 2-period rate and optional 3-period rate's peak, off-peak, and super off-peak periods, as well as the ratios used to differentiate the rates.

The Power Supply Charge is used to recover the cost of fuel and electricity that PSEG LI purchases on behalf of customers. The Power Supply Charge is updated monthly based on the cost of these commodities as well as customer usage. The Power Supply Charge for rate codes 194 and 195 are both initially designed to recover the same revenue as the non-TOD customer's Power Supply Charge. The non-TOD Power Supply Charge is a fixed cost for electricity each month regardless of the time of day. The proposed Power Supply Charges for rate codes 194 and 195 are based off multiplying the non-TOD Power Supply Charge by the Power Supply TOD Period Adjustment factors. The Power Supply TOD Period Adjustment Factors are a multiplier that changes based on the time of day. The Power Supply TOU Period Adjustment factors for Rate 194 are percentages that are fixed to a 2:1 ratio for peak to off-peak periods. Rate 195 has 3 different adjustment factor percentages for peak, off-peak, and super off-peak periods. The Power Supply TOU Period Adjustment factors for rate

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1 Proposal Concerning Modifications to LIPA's Tariff for Electric Service, (December 21, 2022) p. 4, https://www.lipower.org/wp-content/uploads/2023/01/Residential-TOD-Rates-2022-12-21.pdf (accessed on March 14, 2023).

2 Appendix A.

codes 194 and 195 are calculated using the most recent average hourly load research data for rate 180.[3]

The change in the price of power will cause the TOD Power Supply Charge to fluctuate each month with the non-TOD Power Supply Charge. The fixed ratio of 2:1 used in the TOD Power supply charge means customers on rate code 194 can expect the cost of the Power Supply Charge to be double during peak periods as compared to the off-peak periods, regardless of the month or season. The TOD and non-TOD rates will be updated annually based on the latest cost of service data. The ratio/adjustment factors for rate codes 194 and 195 will be updated annually based on the most recent load data and projected power supply costs for the upcoming year. The annual update to the ratio/adjustment factors should provide more accurate adjustment factors that represent customer usage.

Any revenue shortfalls in the delivery portion caused by reduced usage will be collected annually from residential customers through the Revenue Decoupling Mechanism (RDM).[4] The revenue shortfalls or excesses for the power supply portion will be reconciled through the Power Supply Charge.[5]

Customer Eligibility

Full-service residential non-heating customers will be automatically transferred to the proposed TOD rates, unless a customer chooses to opt-out. While most customers will be enrolled on an opt-out-only basis, certain customer groups will not automatically be switched to the new TOD rates. These groups are customers enrolled in LIPA's VTOU rates and legacy TOU rates, customers with AMI metering limitations, and customers relying on life support equipment.[6] Also, LIPA's proposal initially excluded LMI customers from automatic enrollment. LIPA later revised that decision and stated LMI customers will be included in the migration and additional efforts will be made to enroll these customers in balanced billing prior to migration.[7] Customers in the excluded categories may choose to opt-in to the TOD rates. Finally, customers who are enrolled in LI Choice, Green Choice, and those who have opted-out of the installation of a smart meter are ineligible for the TOD rates.[8]

Customers enrolled in the TOD rate will be able to switch back to a non-TOD rate. If customers leave the TOD rate, they cannot return to it for at least 12 months

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3 Proposal Concerning Modifications to LIPA's Tariff for Electric Service, (December 21, 2022) p. 7. https://www.lipower.org/wp-content/uploads/2023/01/Residential-TOD-Rates-2022-12-21.pdf (accessed on March 14, 2023).

4 Proposal Concerning Modifications to LIPA's Tariff for Electric Service, (December 21, 2022) p. 5, https://www.lipower.org/wp-content/uploads/2023/01/Residential-TOD-Rates-2022-12-21.pdf (accessed on March 14, 2023).

5 Response to DPS-23001.

6 Response to DPS-23003.

7 Id.

8 Id.

from the date they opt-out. Starting in 2024, new residential customers and customers who relocate within the LIPA service territory will automatically be enrolled in the TOD rate, unless they choose a different rate at the time of their service request.

Bill Protection Guarantee and Opt-out Election

LIPA's proposal includes a bill protection guarantee to mitigate the risk to customers of transitioning to a TOD rate for their first year. The guarantee ensures that residential customers who enrolled in a TOD rate will not pay more than they would have paid under a non-TOD rate. If a customer's billed amount for the first 12 months under the TOD rate exceeds what they would have been billed under the non-TOD rate, those customers will receive a bill credit for the difference after their first 12-months. The bill protection guarantee will not be provided beyond each customer's initial 12-month enrollment period. Customers who choose to opt-out before the end of their first 12 months will have their bill protection guarantee calculated on the next billing date following their decision to opt out and the credit will be applied on their subsequent bill. Staff finds the bill protection mechanism included in LIPA's proposal is aligned with the Commission's Order regarding ratemaking and utility revenue model policy.[9]

Background on TOD Rates

In New York State, the Public Service Commission (PSC or the Commission) has addressed TOU rates in their Reforming the Energy Vision (REV)[10] and Value of Distributed Energy Resources (VDER)[11] proceedings. In the Commission's Order Adopting A Ratemaking and Utility Revenue Model Policy Framework (REV Track Two) they acknowledged that as they strive to modernize and update the grid they also need to explore and implement new ratemaking techniques.[12] Further, the Commission adopted the following principles to guide the development of new rates:[13]

- Cost causation: Rates should reflect cost causation, including embedded costs as well as long-run marginal and future costs. Fixed charges should only be used to recover costs that do not vary with demand or energy usage.

- Encourage outcomes: Rates should encourage desired market and policy outcomes including energy efficiency and peak load reduction, improved grid resilience and flexibility, and reduced environmental impacts in a technology neutral manner.

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9 Case 14-M-0101, Proceeding on Motion of the Commision in Regard to Reforming the Energy Vision, Order Adopting a Ratemaking and Utility Revenue Model Policy Framework (issued May 19, 2016) p.134 (REV Track Two Order).

10 Case 14-M-0101, Proceeding on Motion of the Commission in Regard to Reforming the Energy Vision.

11 Case 15-E-0751, In the Matter of the Value of Distributed Energy Resources.

12 REV Track Two Order, pp. 1-10.

13 REV Track Two Order, Appendix A.

- Policy transparency: Incentives should be explicit and transparent, and should support state policy goals.

- Decision-making: Rates should encourage economically efficient and market-enabled decision-making, for both operations and new investments, in a technology neutral manner.

- Fair value: Customers should pay the utility fair value for services provided by grid connection, and the utility should pay customers fair value for services provided by the customer.

- Customer-orientation: The customer experience should be practical, understandable, and promote customer choice.

- Stability: Customer bills should be relatively stable even if underlying rates include dynamic and sophisticated price signals.

- Access: Customers with low and moderate incomes or who may be vulnerable to losing service for other reasons should have access to energy efficiency and other mechanisms that ensure they have electricity at an affordable cost.

- Gradualism: Changes to rate design formulas and rate design calibrations should not cause large abrupt increases in customer bills or delivery rate impacts.

- Economic sustainability: Rate design should reflect a long-term approach to price signals and the ability to build markets independent of any particular technology or investment cycle.

The New York State Climate Leadership and Community Protection Act (CLCPA) accelerates the transition to clean energy sources and reduces greenhouse gas emissions. Aligned with the goals of the CLCPA, the use of TOD rates has gained renewed interest due to the increasing deployment of renewable generation, electrification, and smart meters.[14] TOD rates assist in reducing the size and cost of utility Transmission and Distribution (T&D) assets, as well as deferring capital expenditures by reducing peak demand.

Moreover, a reduction in peak demand will lead to lower energy costs because "peaker plants" that quickly ramp up and down to meet peak demand are typically more expensive to operate than base-load plants. Given the anticipated substantial increase in renewable generation over the next decade, TOD rates can encourage the use of renewable energy sources like solar and wind power, which are often more abundant

[14] US Department of Energy. Customer Acceptance, Retention, and Response to Time-Based Rates from the Consumer Behavior Studies, https://www.energy.gov/sites/prod/files/2016/12/f34/CBS_Final_Program_Impact_Report_Draft_20161101_0.pdf (accessed March 14, 2023).

during off-peak periods. Renewable energy generation, especially solar power, tends to produce more energy during off-peak hours and TOD rates are designed to encourage customers to shift their energy usage to off-peak periods. By promoting the use of clean, sustainable energy, TOD rates can help to reduce reliance on fossil fuels, which will also reduce greenhouse emissions.

As discussed in the Commission's REV Track Two Order, DPS Staff is supportive of potential reforms to the rate design(s) for mass-market customers in light of recent technological and policy shifts. The addition of AMI and the adoption of the CLCPA are two key examples of recent shifts in technology and policy which requires a reassessment of rate design for mass-market customers.

LIPA's TOD rates are a price strategy that reflects the changing cost of electricity during different times of the day. TOD rates are higher during peak demand periods when electricity is more expensive to produce and distribute, and lower during off-peak periods when demand is lower, and electricity is cheaper. The purpose of TOD rates is to encourage customers to shift their energy usage from peak to off-peak periods by offering lower rates during the off-peak period. These price signals help to flatten the peak demand curve and avoid the need for expensive T&D infrastructure and reserve margin required to meet the peak load. TOD rates can provide customers with greater control over their energy bills. Compared to flat-rate pricing, customers on TOD rates can save money by using electricity during off-peak periods and avoiding higher rates during peak periods. As a result, LIPA's TOD rates can provide cost savings to customers who are able to adjust their energy usage habits.

Financial Impact(s) of LIPA's TOD Proposal

LIPA states that the proposed TOD rates are revenue neutral, yet Staff has identified several financial impacts of the proposed rate design. First, the proposed TOD rate design includes a 1 percent discount in volumetric delivery revenue collected from customers under the proposed 194, the 2-period TOD rate. To maintain revenue neutrality on a service class level, the delivery revenue collected by the Flat Rate will be increased by approximately 4.6 percent and the delivery revenue collected by the proposed 2-period TOD rate, and the 3-period TOD rate is designed to equal that of the Flat Rate.[15] The implications of this are significant. The delivery revenue collected by the residential service class would be affected by the number of customers that opt-out or choose the 3-period rate. If more than 85 percent of customers choose to remain on the 2-period TOD rate, LIPA would under-collect delivery revenue. Further, if less than 85 percent of customers choose to remain on the 2-period TOD rate, LIPA would over-collect delivery revenue. In either case, any difference in revenue collection would be recovered through the RDM and collected or credited to customers the following year. In fact, if a customer chooses to opt out of the TOD rate, their delivery rate will increase by 4.6 percent compared to what they would have paid without this proposal. In other words, customers who remain on the Flat Rate under LIPA's TOD proposal will experience higher bills due to increased delivery charges.

[15] Response to DPS-23001.

Second, both the delivery and power supply revenues would be affected by any change in customer usage that occurs in response to the new TOD rates, and customers will make up any shortfall. LIPA's power supply costs are a pass-through, which means that customers are responsible for the cost. If customers reduce their usage during the peak period, revenues collected from residential customers will fall short of the budgeted amount. Any shortfall in delivery revenue would be recovered through the RDM balance collected from residential customers the following year. LIPA stated, "[i]n the short term, we expect that any cost savings that result from customers responding to the TOD price signals will be reflected as reductions to our revenue requirements and will be shared equi-proportionately among all rate classes as a percent of revenue."[16] As such, LIPA's revenue on the delivery portion is guaranteed by the RDM, but any revenue shortfall will be subsidized by all customers in the service class. Additionally, LIPA stated that cost studies will be updated in the future with regards to the impacts of the TOD rate.[17] DPS Staff has concerns regarding the uncertainty of the TOD rate impacts to revenue requirement and the lack of a precise timeframe for cost studies to be conducted.

On the power supply side of the customer's bill, the power supply charge is trued up on a monthly basis based on a combination of the fuel recovery costs in the previous two months, the last month's projected cost versus collection, and the projected cost for the current month. Any revenue reduction in the power supply portion due to the customer peak load reduction will be reconciled directly by this mechanism.

The total cost of the proposal needs to be assessed prior to the initial migration implementation phase of the transition. LIPA and PSEG LI have not realized the total cost associated with several important steps of the transition. First, the billing system will need to be upgraded and modernized to support these new rates. Second, a comprehensive customer education, outreach, and marketing plan is needed to help customers understand how TOD rates work and how they can adjust their usage behavior to save money.[18] Although LIPA and PSEG LI have not finalized their outreach and marketing plan and budget, other utilities have spent up to $40 million on marketing, outreach, and education for their time-based rate implementation.[19] PSEG LI has also identified numerous IT projects and upgrades including enhanced billing options, Mobile Device Management (MDM) and Contact Center as a Service (CCaaS) upgrades that must be developed prior to implementation, which will also add to the cost.[20]

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16 Response to DPS-23007.

17 Id.

18 Response to DPS-23009.

19 Resolution E-4895, Southern California Edison Company's Marketing, Education and Outreach Plan in Compliance with the December 17, 2015 Assigned Commissioner and Administrative Law Judge's Ruling and Decision 15-07-001 on Residential Default Time of Use Rates, Resolution Approving with Modifications, SCE's Marketing, Education and Outreach Plan as Presented in AL-3500 (February 9, 2018) p. 43.

20 Draft PIP_TOD_1.31.2023 LIPA Feedback 02.102023.docx (submitted under PS&CE-08).

While it is clear that the proposal will have a significant financial impact on LIPA's revenues, the magnitude of that impact is not entirely known at this time. Therefore, Staff recommends that LIPA develop and include a budget forecast for the full-scale implementation of the TOD rate, including the various upgrades and outreach and marketing, and submit that forecast to the DPS and present it to the Board by September 15, 2023.

Staff Discussion and Analysis

TOD rates will only gain acceptance if customers understand the concept and believe that it works for them. While TOD rates are an important tool to help flatten the peak demand curve and offer customers cost-saving opportunities, the successful implementation of the TOD rate is equally, if not more important than, the rate design itself. The implementation of TOU rates by other non-NYS utilities have raised several key concerns, including customer education and outreach, the transition plan, bill impacts, and the technical challenges associated with implementation. These concerns are not new and echo concerns in the Commission's Order regarding the LILCO tariff filing to make modifications to the service classification for Large residential service with multiple rate time periods (S.C. No. 1-MRP).[21]

Moreover, the success of TOD rates depends not only on effective rate design but also on communication between the utility company and its customers, customer education, customer engagement, and the capability of the company's IT system to effectively support implementation. A less than holistic approach even with a well-designed TOD rate may still fail because customers: 1) are not aware of the program; 2) do not understand how TOD rates impact them; 3) do not understand how to change their usage to save money; and/or 4) customers do not have the tools to monitor and manage their usage effectively. The proposal, along with the draft PIP prepared by PSEG LI, outlines several key elements including migration & segmentation strategy, customer engagement strategy, constraints, and technical execution plan.

As part of the 2023 Second Amended and Restated Operation Services Agreement (OSA) Metric PS&CE-08, LIPA has required PSEG LI to develop a PIP for the transition to TOD rates. The PIP encompasses customer communication and marketing, IT upgrades and procedures, customer tools, billing, business process changes and other customer facing solutions to support the transition to a standard TOD rate. Although the PIP contains elements that are critical to a successful transition to TOD rates, LIPA has not included the PIP as part of the TOD proposal. Also, as part of the requirements for PS&CE-08, PSEG LI only provided an updated draft PIP on March 15, 2023. DPS Staff continues to review the PIP, however, the recommendations contained herein mirror the concerns around finalization of certain plans and lack of detail included in the current proposal and version of the PIP.

[21] Case 95-E-0263, et al., Petition of Long Island Lighting Company for a Waiver of the Commission's Order Issued May 9, 1990 in C. 89-E-1056, Approval of the Petition and Approval of the Tariff Filing with Modifications (Issued & Effective April 18, 1996) pp. 6, 9.

In addition, the experience of utilities in other states who have made the transition to TOD rates demonstrates that the components of the PIP form a crucial aspect of a successful TOD implementation. Other utilities that have implemented TOD rates first enacted a pilot program, with certain key features prior to full program implementation. LIPA implemented a pilot program prior to full scale deployment of AMI, which "provided invaluable information and experience for future deployments of Advanced Metering Infrastructure (AMI)."[22] The success of LIPA's AMI deployment was aided by the fact that it captured and integrated the knowledge and lessons learned from its pilot program into its subsequent AMI deployment.[23]

In the absence of a pilot program prior to the implementation of TOD rates, LIPA should adapt the best practices of the utilities that have already begun the transition to TOD rates. Therefore, to guarantee the success of the TOD rates, DPS recommends that LIPA should develop a detailed transition plan, as well as a comprehensive communications and marketing plan, and submit them to DPS Staff for review, provide opportunities for external stakeholder engagement, and review by the LIPA Board prior to the implementation of TOD rates. DPS understands that the PIP includes a June 30, 2023, deadline for submission of an outreach and education plan. Based upon DPS' recommendation above, we also recommend that the June submission be updated with DPS input and the necessary stakeholder engagement by September 15, 2023, contemporaneously with the phase out of the VTOU rates.

The specific details contained in the 1) transition plan; and 2) customer communications and marketing plan should be finalized prior to migration and should align with the September 15, 2023, date to allow enough lead time to conduct adequate outreach before customers are migrated.

To ensure the successful roll out of New York's first widespread TOD rates for residential customers, LIPA needs to finalize key aspects of its proposal and make certain that PSEG LI is operationally capable of handling the transition prior to implementation. LIPA should make certain that any operational obstacles are resolved and PSEG LI's: 1) call center can handle the expected increase in customer calls due to the roll out of TOD rates; and 2) IT systems are ready for the new rates. Beyond those initial steps, LIPA should also conduct a thorough review of the first migration wave to assess its success and deliver a progress report to the Board, DPS and stakeholders.

California and Hawaii both have experience with the transition to TOD rates, and LIPA should look to their experience for guidance on how to successfully make the transition to TOD rates. As part of California's statewide transition to TOU rates, the California Public Utility Commission (CPUC) ordered the formation of a collaborative

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[22] Long Island Power Authority Long Island Smart Metering Pilot Project, Final Technical Report on LIPA Smart Meter Pilot Project, (April 30, 2012), p. 1.

[23] Id.

working group between utilities and stakeholders to develop both opt-in and opt-out pilot studies. The CPUC found that a pilot study would benefit the design and rollout of default TOU rates.[24] Also, the CPUC listed important areas that should be reviewed, including: 1) effective ways to communicate and implement TOU rates; 2) cost estimates for outreach, education, marketing, billing and IT modifications; 3) quantifying bill and load impacts; 4) modeling revenue deficiencies; 5) lessons to reduce costs of the full rollout; and 5) testing system operationality.[25]

Similarly, the Hawaii Public Utilities Commission (PUC) found it beneficial to implement a pilot program before full rollout of TOU rates. The Hawaii PUC found "that a staged approach to roll out TOU rates is prudent, including an initial study period of one year."[26] Furthermore, the Hawaii PUC adopted a three-phase rollout roadmap: "Ramp up, Roll out, and Evolve." The Ramp up period lasts 7 months and provides time for their working group to make adequate preparations, such as: 1) creating new billing and accounting processes; 2) establishing the TOU study objectives and design; and 3) preparing a Marketing, Education, and Outreach (ME&O) plan. The Roll-out period lasts one year, starting from the end of the Ramp up period, and includes the enrollment of a statistically significant sample of customers into the new TOU rates. Finally, the Evolve period begins at the end of the roll-out period and will last until the transition is complete. The Evolve period will enable the stakeholders to use the information learned in the pilot study to improve future TOU enrollment. A phased approach, similar to the one being conducted in Hawaii, can help assure that LIPA and PSEG LI are fully prepared for the full transition to TOD rates for residential customers.

Further, a well-developed pilot program with a statistically significant number of customer participants preceding TOD implementation, has allowed utilities in California to assess various aspects of residential TOD rates, including but not limited to customer adoption and retention rates, effective communication methodologies, transition plan, the costs associated with IT upgrades, marketing and education, and study usage shifts.[27] Accurate adoption and retention rates are necessary in forecasting the total revenue that will be collected and may guide rate design adjustments before the majority of residential customers are on TOD rates. Furthermore, a pilot program allows utilities to obtain invaluable information on how to guarantee customer acceptance of

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[24] Decision 15-07-001, Order Instituting Rulemaking on the Commission's Own Motion to Conduct a Comprehensive Examination of Investor Owned Electric Utilities' Residential Rate Structures, the Transition to Time Varying and Dynamic Rates, and Other Statutory Obligations, Decision on Residential Rate Reform For Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company and Transition to Time-of-Use Rates (July 13, 2015), p.166.

[25] Id., pp.163-165.

[26] Docket No. 2019-0323, Instituting a Proceeding to Investigate Distributed Energy Resource Policies Pertaining to The Hawaiian Electric Companies, Decision and Order No. 38680, (October 31, 2022), p. 125.

[27] Decision 15-07-001, p.163.

TOD rates, identify and resolve major issues prior to widespread roll out, ensure that they are ready to handle complaints or inquiries concerning the new rates, and incorporate any lessons learned into the final implementation process. All of these steps make certain that customers' migration to full-scale TOD rates occurs smoothly.

Both the CPUC and PUC have acknowledged the benefits of a pilot program before the full rollout of TOU rates. The CPUC has emphasized the importance of effective communication, cost estimates, load impacts, revenue deficiencies, and system operationality, while the PUC has adopted a three-phase rollout roadmap with adequate preparations and enrollment of a statistically significant sample of customers into the new TOU rates. Drawing from these successful experiences from CPUC and PUC, Staff recommends LIPA adapt the best practices that the CPUC and/or PUC have already adopted and completed above as part of LIPA's implementation plan before a full transition to TOD rates.

Rate Review

The TOD rates are designed to encourage customers to shift their energy usage to off-peak periods when the cost of producing electricity is typically lower. The rate design plays a key role in the success of TOD rates. Although Staff believes the proposed TOD rates may help customers save money and support Long Island's transition to clean energy, Staff recommends that LIPA evaluate the effectiveness of the proposed TOD rates after the first migration wave. The assessment of TOD rates should include: 1) off-peak electricity usage; 2) benefits/costs; 3) revenue stability; and 4) customer satisfaction.

Understanding off-peak energy usage will provide LIPA with valuable insight into customer behavior and the impact of the new TOD rates on peak demand, energy usage patterns, and cost savings. LIPA should analyze the data of the first wave of migrated customers, identify any potential issues, and make adjustments to the rate structure and implementation process before moving on to the next wave. First, the outcome of this analysis will help LIPA better understand how customers respond to TOD pricing and how the rate structure can be optimized to reduce peak load, lower customer bills, and meet the CLCPA goals.

Second, LIPA should quantify and publicly report on the potential costs and benefits associated with the first migration wave to residential TOD rates. These costs may be associated with IT upgrades, outreach, education & marketing, as well as studying load shifts and system benefits, along with any costs that may be avoided due to capital project deferrals in transmission and distribution systems. By demonstrating the benefits and potential cost savings of TOD rates through the first migration wave, LIPA can help to create a more favorable environment for the next wave of the TOD rollout.

Third, even though LIPA's TOD rates are designed to be revenue-neutral to customers, it is important to assess that they are fair to all customers and guarantee revenue stability for LIPA's revenue requirement. The revenue generated from the TOD rates should be sufficient to cover the cost of delivering and producing the electricity.

Fourth, LIPA and PSEG LI should collect feedback from customers' experiences during the first migration wave to ensure that the TOD rates are equitable and accessible to all customers in the subsequent waves. Direct customer feedback can be used to improve customer satisfaction and retention rate, enhance customer education and outreach efforts, and mitigate concerns or challenges that may arise in the implementation process. Moreover, the outcomes and lessons learned from the assessment of the first wave migration will help LIPA build the necessary support and understanding for TOD rates, reduce the risk of unintended consequences in the subsequent migration waves, and ease the overall transition to TOD rates.

Staff believes there are important data elements, such as accurate projections of customers load shifting potential, customer acceptance rates, and actual load reduction, which cannot be known without analyzing the actual data from the first migration wave. Understanding and evaluating customers' response to the new TOD rates in the first migration wave is essential to ensure the successful implementation of full-scale TOD rates.

After assessing the first wave of the TOD migration, DPS recommends that LIPA deliver an evaluation report to the Board, to DPS, and to external stakeholders outlining its initial findings, and lessons learned to help customers transition smoothly to full-scale TOD rates. The report should also include a forecast of the expected benefits and costs of full-scale deployment, highlight the potential costs savings for T&D and power supply due to the expected peak load reduction, and determine whether it is necessary to adjust the TOD rate structure. Additionally, the report should establish a timeframe within which these cost savings can be achieved and review the efficacy of PSEG LI's marketing and outreach efforts during the initial migration period. As discussed above, LIPA's first migration wave will consist of a random selection of benefiters based on historical usage patterns.[28]

Staff's recommendations enhance LIPA's migration strategy to prevent operational disruption during the initial rollout of TOD rates. Staff also recommends including a sample of specific residential customer segments such as EV owners and Net Energy Metering (NEM)/Distributed Energy Resources (DER) customers in the first migration wave. Expanding the number of customer groups that will be migrated in the first wave will allow LIPA to examine how different segments of customers will adjust and shift their usage patterns under the new rates. By incorporating DER/NEM customers as part of the first wave migration, it can also help LIPA determine if TOD

[28] Draft PIP_TOD_1.31.2023 LIPA Feedback 02.102023.docx (submitted under PS&CE-08).

rates can address The New York Solar Energy Industry Association's (NYSEIA) concerns regarding the rates impact on solar customers.[29]

Bill Impact Analysis

DPS Staff is concerned about LIPA's bill impact analyses, which were conducted to support the roll out of its TOD rates.[30] These bill impact analyses are based on a random sample of 30,000 AMI customers, a random sample of 18,000 LMI customers, and 65,000 NEM customers. LIPA has also provided limited analysis on their current VTOU rates.[31]

The analyses do not meet the criteria laid out in Staff's study on reformed mass market rates, which was required in the REV Track Two Order.[32] The sample size for AMI customers bill impact is too small and therefore insufficient to draw valid conclusions that can be applied to the broader customer base. Further, the range of the dataset is limited to customer usage in 2021, which means the study is only based on customers' usage and load profile during the COVID-19 pandemic.

Based on the limited analysis available on VTOU rates it appears that customers may be reluctant to switch to time varying rates and more comprehensive outreach efforts are required. Additional data is needed to fully assess the potential of these rates and the customer outreach required. As stated earlier, LIPA currently offers four VTOU rates for residential customers in addition to the legacy TOU rates (SC-1 VMRP) for large residential customers.[33] PSEG LI has provided a report on the customer impact of VTOU rates.[34] The report highlighted changes in usage patterns, achieved peak load reduction, issues/complaints received, and some findings from the existing VTOU rate implementation, however, the participation rate for LIPA's VTOU rates is very low (~1.4 percent). Additionally, in the first quarterly update of 2022 for Utility 2.0, PSEG LI reported that only 2,100 customers had enrolled in the VTOU rate.[35] Although this is on par with historical VTOU participation elsewhere in New York State, it is still significantly lower than participation rates for other parts of the country that have VTOU rates.[36]

Additionally, the time period for LIPA's bill impact analysis does not span a long enough period. As of March 2023, PSEG LI only has data for approximately 2,100 customers with at least a full year of historical usage on VTOU rates. A full year of

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29 NYSEIA Comments on LIPA TOD_Final 2023-02-27.docx.pdf

30 Response to DPS-23001.

31 Response to DPS-23008, TOU Rate Impacts Attachment.

32 Case 14-M-0101, et al., Proceeding on Motion of the Commission in Regard to Reforming the Energy Vision, Staff Scope of Study to Examine Bill Impacts of a Range of Mass Market Rate Reform Scenarios (October 3, 2017) pp. 7-8.

33 SC-VMRP – Voluntary Large Residential Service with Multiple Rate Period is a VTOU primarily designed for residential customers who have large usage.

34 Response to DPS-23008.

35 Matter 14-01299, In the Matter of PSEG LI Utility 2.0 Long Range Plan, 2022 U2.0 Outcomes Report Q1, p. 25.

36 REV Track Two Order, p.133.

usage data is needed to adequately assess customer behavior. In addition, the historical usage data, which only begins in 2022, used for this analysis is similarly too limited. Based on these factors, Staff does not find the VTOU analysis to be comprehensive enough and does not believe this analysis to be sufficient to draw an accurate parallel to LIPA's TOD rates which will be rolled out on an opt-out basis. Staff's analysis of the impact frequency distribution of each data set contained in LIPA's bill impact analyses demonstrates that the majority of customers would benefit under the new rates.

Staff's analysis of LIPA's bill impact study focused on what a customer would pay under the proposed TOD rate compared to what they pay under the non-TOD Flat Rate. For the bill impact analysis of a random sample of 30,000 AMI customers, Staff reviewed the results and determined that 65 percent of sample customers would pay the same or less under the proposed rates, and only 1.06 percent of customers would experience a bill increase greater than 4 percent annually. Similarly, in the bill impact study for the LMI customers, 69 percent would pay the same or less, and only 1.2 percent of the sample LMI customers would see a bill increase greater than 4 percent annually.

In LIPA's bill impact study for NEM customers, 52 percent of the sample would pay the same or less, and 32 percent of customers would see a bill increase greater than 4 percent. It is worth clarifying that many NEM customers pay the minimum bill (customer and meter charge only), and hence, the bill impact can be relatively high as a percentage, but not in terms of actual dollar increases. Also, 93 percent of NEM customers would not see an increase greater than $10 per month. It's difficult to estimate the precise dollar amount of the bill impact on customers since it may vary depending on their behavior and detailed usage patterns.

In the Commission's REV Track Two Order, the PSC adopted a framework to study the bill impacts of a reformed mass market rate. Regarding the data needed for rate design development and a bill impact study (e.g., customer usage, the rate, and billed amount), Staff posited,

> [i]deally, the rate design development and bill impact study would be done using several years of individual customer data from AMI meters, if installed, that would enable robust customer segment analyses, calculation of the frequency distribution of impacts, and many sensitivity analyses.[37]

As of Q4 2021 LIPA has achieved 95 percent AMI deployment, which means LIPA and PSEG LI have vast amounts of customer usage data that they can utilize for a

[37] Case 14-M-0101, et al., Proceeding on Motion of the Commission in Regard to Reforming the Energy Vision, Staff Scope of Study to Examine Bill Impacts of a Range of Mass Market Rate Reform Scenarios (October 3, 2017) p. 7.

more comprehensive bill impact study.[38] This comprehensive bill impact study should include both structural bill impact and sensitivity analysis, to be aligned with the criteria laid out in the Staff framework study and should include: 1) a larger sample size with more recent and relevant usage data; and 2) the usage data for customers from the first migration wave. Further, the Staff Scope of Study, states,

> [t]he sensitivity analysis should be focused on instances where a change in an assumption could lead to a material change in the bill impact. Sensitivity analyses should be performed by varying the rate structure and customer usage to reflect behavioral effects or technology adoption. Key assumptions must be made about price elasticity and expected penetration and adoption rates as well as assumptions for opt-in and opt-out, and energy usage information obtained from AMI data.[39]

Another area of concern for DPS staff is that LIPA's bill impact analysis does not validate any customer behavior changes that occurred due to COVID-19. This should be done by comparing the 2021 data, which the study relies upon, against pre and post COVID-19 data.

As part of its bill impact analysis, LIPA should use all available AMI data to perform a full segmentation analysis of its residential customers. This segmentation analysis should group customers by their usage patterns and magnitude. LIPA should then use these groups/segments to conduct a bill impact study comparing the proposed TOD rates to the non-TOD flat rate using the data both from 2021 and 2022, which should be reported to the Department and external stakeholders. Furthermore, the study should also collect the following data: 1) detailed assessments of the price elasticity of demand by customer segment; 2) customer load profiles; 3) variations in consumer behavior due to DER participation; 4) customer demographics; and 5) DER Profiles.[40] These additional data points will provide LIPA with insight into the granular customer bill impacts and help them to develop a more comprehensive transition schedule and marketing & outreach plan. Thus, Staff recommends conducting a comprehensive bill impact study that compares the data from 2021 and 2022 for the Flat Rate, and the data for the initial migration wave. Then, LIPA should submit the outcomes of the bill impact analysis to the Board, DPS, and to external stakeholders as part of the evaluation report before proceeding to the second wave.

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[38] Matter 14-01299, supra, 2022 Utility 2.0 Annual Update (July 1, 2022) p. 74.

[39] Case 14-M-0101, et al., Proceeding on Motion of the Commission in Regard to Reforming the Energy Vision, Staff Scope of Study to Examine Bill Impacts of a Range of Mass Market Rate Reform Scenarios (October 3, 2017) p. 10.

[40] Id., pp. 12-13.

Transition Plan/Schedule

A transition plan is a crucial step for the successful rollout of default TOD rates, and LIPA should finalize its transition plan prior to the implementation of the TOD migration. LIPA has stated that a phased migration plan is still in the process of being refined and is not available for review by the end of March 2023.[41] LIPA's proposal provides its Chief Executive Officer (CEO) or his designee, not the LIPA Board, the authority to implement the TOD rates in waves as the billing system and customer support systems are developed. Although the transition plan is unfinished, there are key elements along with details that should be included in the final transition plan. The transition plan should contain: 1) a segmentation strategy; 2) a customer engagement strategy; 3) an assessment of potential impacts and benefits; and 4) a detailed timeline or list of pre-conditions for each phase of mass migration.

A segmentation strategy should include detailed plans for LIPA design and methodology for identifying segments of customers for each wave of the migration. These plans should include the factors that LIPA or PSEG LI will use to group customers in each segment such as usage history and location. In conjunction, a customer engagement strategy/plan should be developed to periodically gauge customer retention and behavioral change in electricity usage, as discussed further below. The customer engagement plan should also take into account the segmentation strategy and include LIPA/PSEG LI communication strategy prior to each migration waves. The plans should be specific to the customer segments in line for the next migration wave to ensure customer awareness regarding the TOD rate.

A detailed transition schedule can give customers enough time to adjust their usage patterns and adapt to the new rate structure accordingly. This information will enable customers to make informed decisions on their energy usage and plan accordingly. Furthermore, the transition schedule should include a plan for assessing any potential impacts and benefits of the TOD rate on both customers and the T&D system after each migration wave. These periodic assessments will allow LIPA to identify any limitations and constraints in the TOD rates rollout and provide insight into how to effectively implement the full-scale transition to TOD rates.

Transitioning from a flat rate to a TOD rate can be a significant change for customers, which can result in higher bills if customers are not aware of the rate change or cannot adjust their energy usage during peak periods. To guarantee a smooth transition, it is essential to have a robust period of customer outreach and education for each wave of migration. Outreach and education efforts will be instrumental in helping customers anticipate and prepare for any changes to their bill, minimizing customer complaints, and improving overall customer satisfaction. Therefore, a detailed transition plan with key strategies for customer outreach and migration is essential for the successful implementation of TOD rates. DPS recommends that LIPA develop in collaboration with DPS and external stakeholders a detailed transition plan and submit it

[41] Response to DPS-23007.

to the Board for review before implementing the first migration wave and also continue to refine it accordingly.

Customer Communications and Marketing Plan

To respond positively to pricing signals, customers must understand time-of-use rates and its benefits. Additionally, educating customers about changes to their electric rate structure can be challenging. According to the CPUC Statewide Transition to Time of Use Rates Order issued on July 13, 2015, "customers generally do not understand their electricity rates."[42] In order to bridge this divide, a comprehensive communication and marketing plan that includes clear and concise information about peak and off-peak period pricing, tools to help customers track their energy usage and necessary behavioral changes (i.e., load shifting) to achieve meaningful savings needs to be developed.

A deliverable for metric PS&CE-08: Transition to New "Standard" Time of Day Residential and Small Business Rates on an Opt-Out Basis is the submission of "a comprehensive customer communication and marketing plan for the transition to opt-out TOD that includes outreach, engagements and advertising across multiple channels." PSEG LI will submit this plan to LIPA for approval by June 30, 2023.

Staff believes that more time is needed to educate customers about the new TOD rates. Customers who are used to being charged a flat rate may find TOD rates confusing, and changing their behavior for electricity usage can be challenging.[43] Staff recommends that the communication and marketing plan should be submitted for review by DPS, and shared with external stakeholders prior to September 15, 2023, and its ultimate review by the LIPA Board should precede the initial migration. The time between June and September should be used to enhance the plan based on collaboration with DPS and external stakeholders. The time between September and the first migration should be used to perform critical outreach and education. DPS also recommends that LIPA and PSEG LI update the plan accordingly based on the findings of an evaluation report on the first wave of migration.

Other Obstacles:

LIPA must ensure that any operational obstacles to the successful implementation of TOD rates are addressed prior to the first wave of the TOD migration. There are two areas where PSEG LI resource constraints pose a risk to a successful transition: 1) the call center; and 2) IT resources. In 2022, the PSEG LI call center experienced a significant increase in wait times. PSEG LI's December 14, 2022, Operating Report outlined a call center "get well" plan with a focus on improving staffing and performance. The report included the October 2022 Customer Services Scorecard which indicated PSEG LI was not expected to meet the target for OSA Metric CS-11 –

42 Decision 15-07-001, p. 258.
43 Decision 15-07-001, pp. 59, 106.

Contact Center Service Level with Live Agent Calls. The target for this metric is to answer 80 percent of calls within 30 seconds for blue-sky days ("non-major" storms) and 80 percent of calls within 90 seconds during "major storms." The 2022 year-end result for CS-11 was only 29.2 percent.

At LIPA's February 15, 2023, Oversight and Clean Energy Committee (Committee) meeting, LIPA staff briefed the Committee on the Call Center's Get-Well Plan and identified several root causes for the decline in call center performance, such as insufficient staff, increased call volume, and increased average handle time. Also, LIPA does not anticipate an improvement to pre-2018/2019 levels in 2023 and expects the transition to TOD rates may lead to longer handle times.[44] PSEG LI's lack of call center readiness is concerning because the success of the TOD roll out may lay in the hands of call center staff, "[c]all center reps are expected to play a big part in explaining the plans."[45]

In 2022, PSEG LI call center wait-times spiked more than 1,500 percent.[46] As customers transition to the TOD rates, the call center may anticipate a significant impact from the TOD rates in several ways, including increased call volume and duration, increased training needs for call center representatives, and changes in call types. As customers move to the TOD rates, they may have questions or concerns regarding how the rate works and how it will affect their bills. It is extremely likely this will result in an increase in call volume to the call center. Also, the increase in call volume may lead to longer wait times and changes in the types of calls received, such as billing inquiries or questions about the new rate. Call center staff will require additional training on the TOD rate structure, such as how to explain the new rate to customers and address any questions or concerns they may have. Given that the call center already underperformed in 2022, the impact of the transition to the TOD rates on the call center could be significant due to the extent of the rate change, level of customer education and outreach needed, and the number of residential customers that will move to the new rates.

PSEG LI also indicates that it will not meet year end OSA metric targets for First Call Resolution (CS-13) and Customer Email Closure Rate (CS-12).[47] Customer communication is a crucial component of the successful transition to residential TOD

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44 LIPA Briefing on PSEG Long Islands Customer Service Get Well Plan, (February 15, 2023), https://www.lipower.org/wp-content/uploads/2023/02/3.-LIPA-Briefing-on-PSEG-Long-Islands-Customer-Service-Get-Well-Plan.pdf, p. 3 (accessed on March 9, 2023); Mark Harrington, PSEG Call Center Wait-Times Spiked More Than 1,500% in 2022, New Data Shows, Newsday (February 20, 2023), https://www.newsday.com/long-island/lipa-pseg-call-center-delays-service-agents-kgiuxgch (accessed on March 9, 2023).

45 Mark Harrington, PSEG Call Center Wait-Times Spiked More Than 1,500% in 2022, New Data Shows, Newsday (February 20, 2023), https://www.newsday.com/long-island/lipa-pseg-call-center-delays-service-agents-kgiuxgch (accessed on March 9, 2023).

46 Id.

47 PSEG LI Operating Report (February 15, 2023).

rates, and LIPA and PSEG LI must be sure that the call center can handle the potential increase in calls due to the transition.

PSEG LI has also relayed additional obstacles that need to be addressed to enhance customers' acceptance and awareness, as well as to establish and finalize the TOD rate structure. These obstacles include a lack of detail in the delivery timeline to address needed upgrades to their IT systems to effectively support the new TOD rates, and lack of operational readiness.[48] Further, PSEG LI has identified several constraints in IT development.

One of the major IT concerns is the fact that some of the resources that are needed for the implementation of TOD rates are already dedicated to other high priority IT efforts with concurrent timelines, including the planning and development of a new CIS. The company is also undertaking several other large IT initiatives which include the separation of multiple IT systems, and procurement of an Enterprise Asset Management System.

Many of these initiatives have incentive compensation metrics tied to them, and therefore carry an inherently high priority for completion. Additionally, the successful implementation of TOD rates will require integration between existing PSEG LI systems and multiple third-party platforms. PSEG LI has limited control over any schedule delays resulting from third party providers. All of these factors introduce potential risks to the aggressive timeline for successful implementation of the TOD rates. PSEG LI also stated that the hurricane season is always a priority for PSEG LI and that can introduce resource constraints as PSEG LI staff is focused on performing their needed storm roles.

Staff has already encountered IT constraints that have led to program cancellations. In the Department's 2022 Utility 2.0 recommendation letter, we recommended that PSEG LI not proceed with its development of the C&I Demand Alert Pilot due to a lack of resources caused by the transition to default Time-of-Day rates.[49] Therefore, DPS recommends that LIPA, PSEG LI, and DPS collaborate to develop the necessary plans and solutions to address these obstacles and concerns, ensuring their operational readiness prior to the first wave of the TOD migration. Smooth migration should not be jeopardized by proceeding despite a lack of readiness.

Public Comments

LIPA held two in-person public statement hearings on February 21, 2023, in Hauppauge and Uniondale with a virtual option for online participation. LIPA received a

[48] Draft PIP_TOD_1.31.2023 LIPA Feedback 02.102023.docx (PSEG LI Draft PIP submitted under PS&CE-08) Appendix E.

[49] Matter 14-01299, In the Matter of PSEG LI Utility 2.0 Long Range Plan, DPS Staff Recommendation Memo (Issued December 12, 2022), p. 17.

total of twenty comments, including three comments unrelated to the TOD proposal. Among the remaining seventeen comments, two were from organizations and fifteen were from individuals.

NYSEIA and Edgewise Energy submitted comments requesting that Community Distributed Generation (CDG) NEM credits be applied only to peak and off-peak periods, excluding the super-off-peak period. In response to these concerns, LIPA revised their proposal to require customers to obtain the consent of the CDG Host before they may enroll in the 3-period rate. Staff believes that LIPA's proposed revision will address these concerns from DER developers. Additionally, Edgewise Energy requested that LIPA refrain from transitioning NEM CDG subscribers to TOD rates until PSEG LI completes its single-bill enhancements. LIPA stated that the issues pertaining to single bill enhancements was not a problem, as they already offer “one-bill” net crediting for CDG customers.[50] Staff reviewed the project status concerning single bill and found that PSEG LI has not yet completed the CDG Net Billing Project, however, under the current timeline, the project delivery date is September 20, 2023, just after DPS expects the other components of the TOD implementation plan to be finalized and presented to the LIPA Board.[51]

Out of fifteen comments from individuals, three were non-TOD related comments. Two comments, including the one from former LIPA Board Trustee Peter Gollon, were in support of TOD rates. Three comments were concerned about the impact on solar customers’ accounts and the installation of new meters. Six commenters expressed concern about the difficulty of shifting their energy usage to off-peak periods. To address these concerns, DPS recommends that the Communication and Marketing plan being developed by LIPA and PSEG LI include practical tips which may help educate customers on how to change their usage and save money. Further, when the call center and its representatives are sufficiently trained, they will be operationally ready to handle the increase in calls regarding concerns or questions about TOD rates.

In response to Mr.Gollon’s and NYSEIA’s public comments regarding excess generation credits, LIPA updated its proposal to address these concerns. Under the revised proposal, customers enrolled in the 2-period or 3-period TOD rate who have been NEM customers since January 1, 2018, can exchange excess energy credits between peak, off-peak and super off-peak periods. The exchange will be conducted based on the customer’s current rate code price ratios, and will not affect previously billed amounts or credits used prior to the exchange date. Once the customer decides to make the exchange it cannot be revoked. In addition, LIPA’s CEO or their designee has the discretion to modify procedures related to excess energy credit exchanges, provided that those modifications are consistent with the Tariff. Staff recommends that the Board adopt the proposal including this update.

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50 Residential TOD Update 03.07.2023, p.5.
51 Project _Status CDG 3.10.2023.pdf.

Conclusion

Department Staff has reviewed LIPA's proposed Tariff modifications and the Department recommends that the LIPA Board of Trustees adopt LIPA's Tariff proposal consistent with the discussion above.

New York State has entertained TOD rates for multiple decades, and these recommendations evidence our strong support for building a successful framework for TOD rates on Long Island. Moreover, these recommendations evidence the Department's interest in being a willing and equal partner in making TOD rates successful for LIPA's customers in furtherance of the State's ambitious climate goals. Together, with the support of external stakeholders, the transition to TOD rates can provide real benefits to customers and alleviate concerns regarding PSEG LI's operational readiness, the budget impacts of the transition, and develop a meaningful and clear customer understanding of the program.

Respectfully submitted,

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Chief Executive Officer

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