

TARIFF AMENDMENTS

For Commercial Time-of-Use Rate Option
and Manual Meter Reading

July 27, 2022

PROPOSED TARIFF CHANGES

Commercial Time-of-Use: Introducing a new, optional time-of-use (TOU) rate for large commercial customers

Manual Meter Reading Fee Update: Updating manual meter reading fee provisions to reflect early completion of smart meter deployment

Presented by: Justin Bell - Vice President, Public Policy and Regulatory Affairs

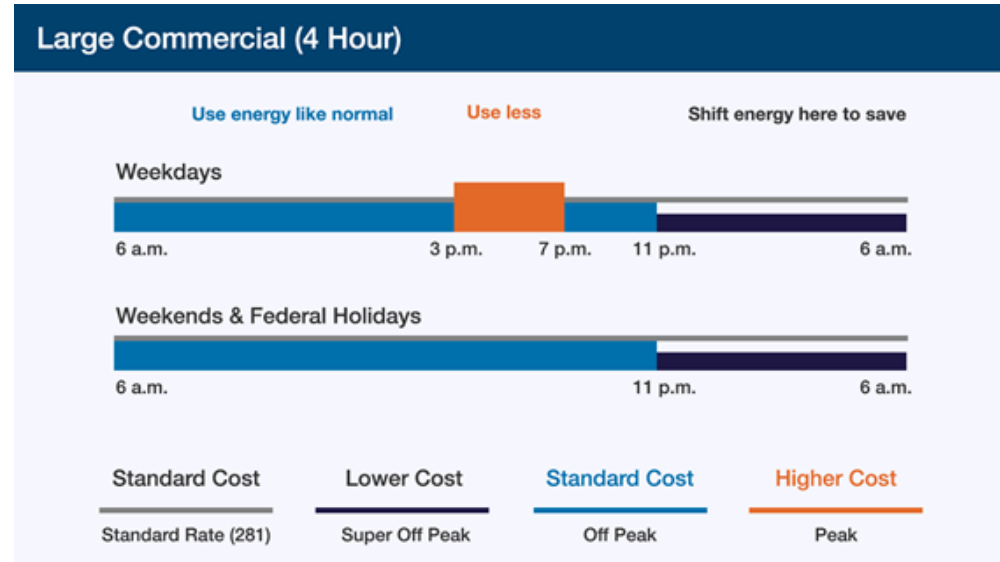
NEW TIME-OF-USE RATE OPTION FOR BUSINESSES

What's new?

- TOU rate option for commercial customers (7 kW to 145 kW demand)
- Features shorter peak period than existing option (4 hours vs. 8 hours)
- Available January 1, 2023

Savings opportunity

- More than half of eligible customers can save money with this option



Summer season	Hours	Ratio to standard energy rate	Ratio to standard demand rate
Peak	3pm – 7pm (weekdays only)	1.6:1	2.1:1
Super off-peak	11pm – 6am	0.6:1	No charge
Off-peak	All other	1:1 (standard)	1:1 (standard)

MANUAL METER READING FEE UPDATE

Background

- Smart meter deployment reached 95% as of August 2021, fifteen months ahead of schedule
- Team then transitioned from mass deployment phase to targeted outreach
- As of July, 98% of residential customers have a smart meter (substantially complete)
- LIPA's Tariff grants residential customers the right to opt-out of smart meter installation, provided they agree to reimburse the utility for the cost of manual meter reading
- LIPA's manual meter reading fee was approved on January 1, 2021, with implementation paused during the mass deployment phase

Manual Meter Reading Fee

- The fee is set equal to the average cost of reading a meter manually
- As of August 2022, this cost is \$11.40 per 30-day month (\$0.38 per day)

Proposed Tariff Amendment

- The proposed tariff amendment will allow implementation to begin on August 1, 2022 (previously January 1, 2023), reflecting early completion of mass deployment

PROPOSAL TIMELINE

- April 27:** Proposals published for public comment
- June 27:** Public comment sessions
- July 11:** Last day for written public comments to be incorporated into Board briefing materials
- July 27:** LIPA Board consideration ← *Today*

FOR CONSIDERATION

July 27, 2022

TO: The Board of Trustees
FROM: Thomas Falcone
SUBJECT: Approval of Tariff Changes

Requested Action

The Trustees are requested to approve two proposals to modify LIPA's Tariff for Electric Service:

- (1) **Commercial Time-of-Use:** Introducing a new, optional time-of-use ("TOU") rate for large commercial customers.
- (2) **Manual Meter Reading Fee Update:** Updating manual meter reading fee provisions to reflect early completion of smart meter deployment.

Commercial Time-of-Use: Background

In 2018, LIPA and PSEG Long Island began executing a long-term plan to modernize electric rates, enabled by territory-wide deployment of advanced metering infrastructure ("AMI" or smart meters). Under the rate modernization program, LIPA's objective is to offer customers rate options that are simple to understand, easy to compare, create opportunities for participating customers to save money on their electric bills, and lower costs for all customers by encouraging more efficient use of the electric grid. The smart meter program provides the functionality required to modernize LIPA's rates and provide customers with a wide variety of options and tools to control electric usage and make cost-effective choices with increased convenience.

The 2018 Utility 2.0 Filing and subsequent updates proposed a rate engine and new customer rate comparison tools. On December 16, 2020, the LIPA Board of Trustees approved four residential TOU rate options and one small business TOU rate option,¹ each featuring modern rate designs with short (three- or four-hour) peak periods.² These rate periods give customers the opportunity to reduce or shift demand more easily and manage their usage outside of the peak timeframe. All five of these existing TOU rate options went into effect on February 1, 2021.

Commercial Time-of-Use: Proposed Action

The proposed Tariff modifications will introduce a new TOU rate option for large commercial customers beginning January 1, 2023. With customers' needs in mind, this rate will offer a shorter peak period than has been available in the past, so that customers can more easily shift their energy use to off-peak times, and a super off-peak price overnight.

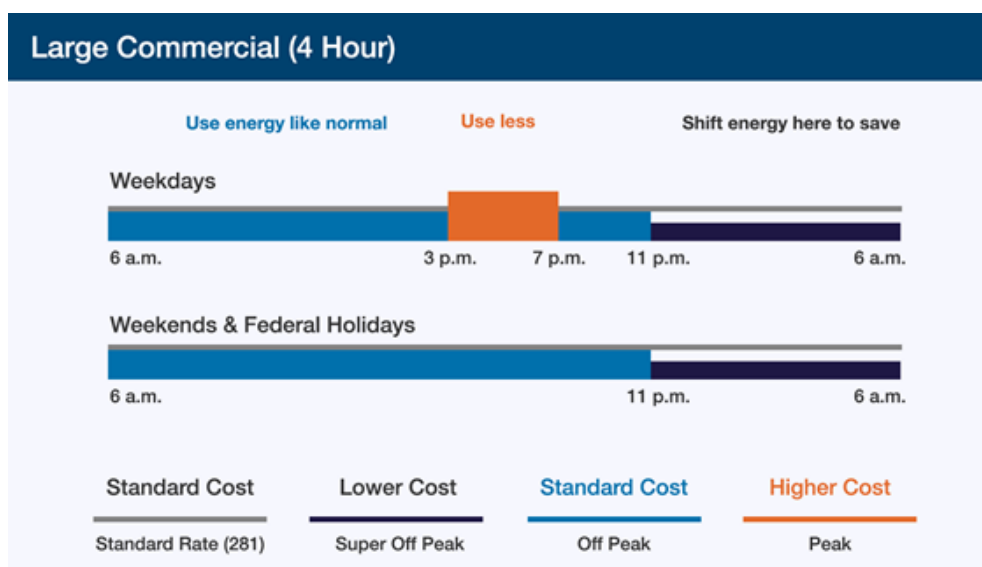
In addition to giving customers more options and opportunities to save, this rate will also help in

¹ <https://www.lipower.org/wp-content/uploads/2021/01/2020-12-16-Approval-of-Tariff-Changes.pdf>

² LIPA's legacy TOU rates had peak windows ranging from eight to twelve hours.

reducing the peak load of the utility. When customers choose to shift their load to less costly times of the day, this decreases the amount of energy production and delivery needed during peak times of the day. In turn, this reduces fuel and purchased power costs, carbon emissions, and may reduce or defer the need for new capital expenditures as customers reduce the capacity needs on certain circuits.

The proposed TOU rate will have three daily periods and three pricing seasons: (1) summer (2) spring and fall (shoulder), and (3) winter. The new TOU rate has the same time periods and seasons previously designed for the small commercial TOU rate (292), which include a peak period from 3 PM to 7 PM on weekdays and a super off-peak from 11PM to 6AM.



Energy, demand, and power supply pricing will be differentiated by time of day and season. During the summer period, when the energy rates have the largest variability, the peak-period rate is set to about 1.6 times the off-peak rate, and the super off-peak rate will be about 60% of the off-peak rate. The Power Supply Charge will be time-differentiated for the proposed new rate code using a multiplier against the standard non-time-differentiated Power Supply Charge.

The periods, summer ratios to the standard energy rate, and summer ratios to the standard demand rate are shown in the table below.

Summer season	Hours	Ratio to standard energy rate	Ratio to standard demand rate
Peak	3pm – 7pm (weekdays only)	1.6:1	2.1:1
Super off-peak	11pm – 6am	0.6:1	No charge
Off-peak	All other	1:1 (standard)	1:1 (standard)

The new Large Commercial TOU rate will also follow the Net Metering banking rules previously

put into place with the original group of TOU rates. If a customer switches from a rate with one rate period to a rate with multiple rate periods, any billing credits will transfer to the off-peak period, as this is set to equal the standard rate. Additionally, to address the reverse situation, customers who move from multiple rate periods to one rate period will have all credits consolidated to the standard rate bank.

The off-peak period for the proposed rate will include the hours from 3 PM to 7 PM on the following Federal Holidays: New Year's Day, Martin Luther King, Jr. Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, and Christmas Day.

With the introduction of the proposed large commercial TOU rate (294), Staff proposes to close rates 282 under Service Classification 2-VMRP to existing, new or transferring customers effective January 1, 2023. Staff proposes to close rates M282 under Service Classification 2-VMRP effective January 1, 2023. Customers may request the non-TOU Service Classification No. 2L or rate 294 under Service Classification 2L-VMRP.

Manual Meter Reading Fee Update: Background

PSEG Long Island began deploying AMI equipped smart meters as part of the 2017 Utility 2.0 plan and filed a 2018 Utility 2.0 plan³ featuring a proposal for full service-territory-wide smart meter deployment to all customer classes by 2023. The LIPA Board approved full smart meter deployment on December 19, 2018.

PSEG Long Island installed smart meters ahead of schedule, with the milestone of 95% deployment completed in August 2021, approximately 15 months ahead of the original plan. Upon completion of 95% deployment, PSEG Long Island transitioned from a mass deployment approach to a targeted approach because the remaining installations required individual customer outreach. As of today, 98% of residential customers have received a smart meter and the deployment is considered substantially complete.

Smart meters empower customers with tools to make more informed energy choices and enable the development of new energy products and services. Despite these benefits, approximately 0.5% of customers choose to opt-out of the smart meter program. While LIPA does not require residential customers to accept installation of a smart meter,⁴ we recognize that legacy meters require manual, in-person meter reads, which incur operational costs including labor and fuel. To avoid shifting these costs onto other customers, the LIPA Board approved the addition of manual meter reading fee provisions to the LIPA Tariff concurrently with its approval of smart meter deployment on December 19, 2018.

³ Matter: 14-01299 In the Matter of PSEG-LI Utility 2.0 Long Range Plan. *Utility 2.0 Long Range Plan 2018 Annual Update* (filed June 29, 2018).

⁴ Except for customers enrolled in special rates and programs that require advanced metering—such as net metering, TOU, and retail choice—all residential customers billed on Service Classification No.1 were offered the choice to opt-out of receiving a smart meter during the deployment period by notifying PSEG Long Island.

Manual Meter Reading Fee Update: Proposed Action

The manual meter reading fee applies to customer who have opted out of the smart meter program. As originally approved, the manual meter reading fee was scheduled to begin on January 1, 2023. Because mass smart meter deployment was completed 15- months ahead of the original schedule, this proposal moves the start date to August 1, 2022.

Beginning on August 1, 2022, customers who have opted-out of receiving an AMI-equipped smart meter will be subject to the manual meter reading fee (“AMI Smart Meter Daily Opt-Out Fee”).

The AMI Smart Meter Daily Opt-Out Fee is posted in the “Statement of AMI Smart Meter Fees (AMI)” on LIPA’s website, which is updated as needed, based on the average actual cost of manually reading non-AMI meters. Fee updates are performed administratively by LIPA staff, working collaboratively with PSEG Long Island and the Department of Public Service staff. This proposal affects only the start date, and does not affect the amount of the fee, which has been set to \$0.38 per day or \$11.40 per 30-day month.

Financial Impacts

Commercial Time-of-Use. Staff does not anticipate substantial revenue impacts from the proposed TOU rate, which was set to be revenue neutral to the parent rate class. Any reduction in revenue will be recovered in the Revenue Decoupling Mechanism. The financial impact on any particular customer will depend on the customer’s ability and willingness to reduce usage during the peak period.

The cost of introducing this additional proposed TOU rate was included as part of the approved Utility 2.0 Rate Modernization Project. LIPA and PSEG Long Island have contracted with GridX, who has built the billing system add-on and customer-facing website for the existing TOU rates approved in 2021. Capital expenditures for this project are expected to be \$1.9 million in 2022, which includes other work in addition to the new Commercial TOU pilot.

Manual Meter Reading Fee Update. No net financial impacts are expected to LIPA or those customers that accept AMI metering. The AMI Smart Meter Daily Opt-Out Fee is designed to recover the costs associated with a manual monthly meter read for those customers that elect not to accept AMI metering, which are estimated to be \$51,300 per month assuming 4,500 cumulative customer opt-outs.

Department of Public Service Input

The DPS has provided a letter recommending adoption of these tariff modifications, which is attached as an exhibit. The proposed tariffs incorporate the DPS’ recommendations. The DPS also provided feedback and input throughout the process of developing the tariffs, which was already reflected in the proposals published on LIPA’s proposed rulemaking web page and in this memorandum.

Public Comments

LIPA held public comment sessions on the proposed tariff changes on June 27, 2022, at 10:00am and 6:00pm, and solicited written comments. Transcripts of the virtual public comment sessions are attached as exhibits and the comments are summarized here, together with responses from LIPA Staff.

One member of the public attended and spoke at the public comment sessions. The subject of the comments was the Manual Meter Reading Fee proposal. The commenter recommended delaying the start date of the manual meter reading fee because, in his opinion, not enough time has passed to determine if smart meters are accurate, fair, and pose no negative health effects. The commenter provided anecdotes of acquaintances who experienced bill increases contemporaneously with the installation of smart meters at their residence. The commenter also expressed the opinion that implementing a manual meter reading fee effectively negates the choice to opt-out for customers who cannot afford the fee.

LIPA Staff Response: All installed meters as subject to ANSI C12 revenue-grade accuracy standards, are individually tested by the manufacturer, and the test results are provided to the utility upon shipment. PSEG Long Island also performs sample tests of every batch of meters received to ensure accuracy. On an ongoing basis, PSEG Long Island performs periodic testing annually to check meter accuracy using sample methods established under ANSI z1.4 standards. Additional testing of individual customer meters is performed upon request for customers experiencing high bills and concerned about the accuracy of their meter.

LIPA shares the view of the commenter that opt-out fees should not unduly impact affordability for customers who choose to opt-out of receiving a smart meter, and believes that the fee of \$0.38 per day to be effective August 1, 2022 appropriately balances the need to keep this option affordable for customers who select it against the need to keep bills affordable for all customers including those who participate in the smart meter program, which results in operational savings shared by all customers.

No public comments were received on the Commercial Time-of-Use proposal. No written comments were received from members of the public.

Recommendation

For the foregoing reasons, I recommend that the Trustees approve the modifications to the Tariff for Electric Service described herein and set forth in the accompanying resolutions.

Attachments

<u>Exhibit A-1</u>	Resolution Approving Commercial Time-of-Use
<u>Exhibit A-2</u>	Resolution Approving Manual Meter Reading Fee Update
<u>Exhibit B-1</u>	Commercial Time-of-Use - Tariff Redline
<u>Exhibit B-2</u>	Manual Meter Reading Fee Update - Tariff Redline
<u>Exhibit C</u>	DPS Letter of Recommendation on Tariff Changes
<u>Exhibit D</u>	Public Comment Session Transcripts

**APPROVAL OF MODIFICATIONS TO LIPA’S TARIFF RELATED TO
COMMERCIAL TIME-OF-USE RATE OPTIONS**

WHEREAS, the Board of Trustees of the Long Island Power Authority (“LIPA”) has adopted a Board Policy on Customer Value, Affordability, and Rate Design, which sets forth the Board’s commitment to establishing rates and tariffs that equitably allocate costs, provide customers with the opportunity to save money, employ innovative rate designs, and encourage conservation, efficient use of energy resources, and the transition to a carbon-free economy; and

WHEREAS, the Board has reviewed the proposal and determined that the proposal is consistent with LIPA’s mission and values, including as set forth in the Board Policy on Customer Value, Affordability, and Rate Design; and

WHEREAS, the Department of Public Service is supportive of this proposal; and

WHEREAS, following the issuance of public notice in the State Register on April 27, 2022, public hearings were held on June 27, 2022, by phone and video conference accessible to participants in Nassau and Suffolk County, and the public comment period has since expired;

NOW, THEREFORE, BE IT RESOLVED, that for the reasons set forth herein and in the accompanying Memorandum, the proposed modifications to LIPA’s Tariff are hereby adopted and approved to be effective January 1, 2023; and be it further

RESOLVED, that the Chief Executive Officer and his designees are authorized to carry out all actions deemed necessary or convenient to implement this Tariff; and be it further

RESOLVED, that the Tariff amendments reflected in the attached redlined Tariff leaves are approved.

Dated: July 27, 2022

APPROVAL OF MODIFICATIONS TO LIPA’S TARIFF RELATED TO MANUAL METER READING FEE UPDATE

WHEREAS, the Board of Trustees of the Long Island Power Authority (“LIPA”) has adopted a Board Policy on Customer Value, Affordability, and Rate Design, which sets forth the Board’s commitment to establishing rates and tariffs that equitably allocate costs, provide customers with the opportunity to save money, employ innovative rate designs, and encourage conservation, efficient use of energy resources, and the transition to a carbon-free economy; and

WHEREAS, the Board has reviewed the proposal and determined that the proposal is consistent with LIPA’s mission and values, including as set forth in the Board Policy on Customer Value, Affordability, and Rate Design; and

WHEREAS, the Department of Public Service is supportive of this proposal; and

WHEREAS, following the issuance of public notice in the State Register on April 27, 2022, public hearings were held on June 27, 2022, by phone and video conference accessible to participants in Nassau and Suffolk County, and the public comment period has since expired;

NOW, THEREFORE, BE IT RESOLVED, that for the reasons set forth herein and in the accompanying Memorandum, the proposed modifications to LIPA’s Tariff are hereby adopted and approved to be effective August 1, 2022; and be it further;

RESOLVED, that the Chief Executive Officer and his designees are authorized to carry out all actions deemed necessary or convenient to implement this Tariff; and be it further

RESOLVED, that the Tariff amendments reflected in the attached redlined Tariff leaves are approved.

Dated: July 27, 2022

VII. ADJUSTMENTS TO RATES AND CHARGES OF SERVICE CLASSIFICATIONS (continued):**A. Power Supply Charge (continued):**

- c) The Local Supply Charge recovers all costs contained in the Power Supply Charge that are not recoverable through the Market Supply Charge, divided by Energy Sales to all applicable Customers, rounded to the nearest .0001 cents per kWh.
- d) The Power Supply TOU Period Adjustment Factors are identified in the Statement of the Power Supply Charge and will be updated from time to time as follows:
 - (1) The Power Supply TOU Period Adjustment Factors use the average hourly load research sample results for the period September 1st to August 31st, to identify the kWh for both the super-off peak period and the peak period. The following table lists the TOU rate codes and corresponding load research sample used.

<u>TOU Rate Codes</u>	<u>Load Research Sample Rate Codes</u>
<u>190, 191, 192 and 193</u>	<u>180</u>
<u>292</u>	<u>280</u>
<u>294</u>	<u>281</u>

The average hourly load research samples for rate 180 or rate 280 will identify the kWh for both the super off-peak period and the peak period for each of the TOU rate codes (190, 191, 192, 193 and 292) for an annual period.

- (2) For all TOU rate codes the super off-peak Power Supply TOU Period Adjustment Factor is set to 60%.
 - (3) For each TOU rate code, the kWh in the super off-peak period will be multiplied by the budgeted average annual Power Supply Charge multiplied by 40% (1-super off-peak Power Supply TOU Period Adjustment Factor). The subsequent dollars by TOU rate code is divided by the total kWh in the peak period to create the peak period adder by TOU Rate code. The peak period adder by TOU rate code is then added to the average annual power supply factor and divided by the average annual power supply factor, which will equal the peak Power Supply TOU period Adjustment Factor.
- Formulas:
- 1) $(\text{kWh in Super Off-peak Period} \times \text{Annual Average Power Supply Charge} \times 40\%) / \text{Peak Period kWh} = \text{Peak Period Adder}$
 - 2) $(\text{Peak Period Adder} + \text{Annual Average Power Supply Rate}) / \text{Annual Average Power Supply Rate} = \text{the peak Power Supply TOU period Adjustment Factor.}$
- e) The Power Supply Charge for applicable TOU Rate codes will be calculated each month based on the actual Power Supply Charge (see Statement of Power Supply Charge) times the Power Supply TOU period Adjustment Factors as identified in the Statement of the Power Supply Charge.
 - f) The Authority will prepare and retain on file a Statement of the Power Supply Charge. The Statement will be available at the Authority's business offices.

VII. E CLASSIFICATIONS (continued):**E. Adjustments to Rates to Encourage Business Development (continued):
Manufacturing Competitiveness Program (continued):****a) Incentives**

- (1) Discounts apply to charges for the entire electric use of the Customer, but only for electric accounts included in the Industrial Effectiveness Program Assessment. These discounts are limited to amounts specified in d)(2) above.
- (2) Discounts will be available to each qualifying Customer for a 5-year period. During the first year, the Customer will receive the entire discount as specified in the applicable Service Classification. After that, the discount will be decreased by one-fifth until the Customer is billed at the regular rate levels at the end of the fifth year.
- (3) For Customers participating in the Recharge NY Power Program, the discount will be limited to the portion of load supplied by the Authority.
- (4) Modified rate periods will be available to each qualifying Customer that makes a commitment to reduce its load beginning 3 p.m. on weekdays in the summer months (June – September). ~~For Qualifying Customers taking service under Service Classification 2L-VMRP that requested this option prior to August 1, 2022, the modified peak Period 2 hours are June – September, Monday – Friday, from 3 p.m. to 8 p.m.~~ For Qualifying Customers taking service under Service Classification 2-MRP that request this option, the modified peak Period 2 hours are June – September, Monday – Friday, from 3 p.m. to 8 p.m., for Rate M284 and June – September, Monday – Friday, from 3 p.m. to 10 p.m., for Rate M285. The hours excluded from the standard rate peak Period 2 will be added to the Intermediate period.

3. Business Incubation Program**a) Objective**

This program is intended to attract new load in the Authority's service area by offering graduates of New York State sponsored Incubators reduced electric rates and the ability to choose modified rating periods when committing to reduce their load beginning 3 p.m. on weekdays in the summer months (June – September). Refer to E.3.f.4 for exact hours. Participation in this program cannot occur concurrently with any other Business Development Program except for the Recharge NY Power Program.

b) Who is Eligible

An Applicant who:

- (1) Starts a business in the Authority's service area, and
- (2) Takes its full load requirements under all accounts for the facility being served from the Authority or participates in the Long Island Choice Program or the Recharge NY Power Program, and
- (3) Takes service under either Service Classification Nos. 2-L, 2L-VMRP, or 2-MRP, and
- (4) Whose load does not exceed 1,000 kW.
- (5) Applicants engaged in Retail Enterprises are not eligible for this program.

VII. ADJUSTMENTS TO RATES AND CHARGES OF SERVICE CLASSIFICATIONS (continued):**E. Adjustments to Rates to Encourage Business Development (continued):
Business Incubation Program (continued):**

- (1) Modified rate periods will be available to each qualifying Customer that makes a commitment to reduce its load beginning 3 p.m. on weekdays in the summer months (June – September). ~~For Qualifying Customers taking service under Service Classification 2L VMRP that requested this option prior to August 1, 2022, the modified peak Period 2 hours are June – September, Monday – Friday, from 3 p.m. to 8 p.m.~~ For Qualifying Customers taking service under Service Classification 2-MRP that request this option, the modified peak Period 2 hours are June – September, Monday – Friday, from 3 p.m. to 8 p.m., for Rate M284 and June – September, Monday – Friday, from 3 p.m. to 10 p.m., for Rate M285. The hours excluded from the standard peak Period 2 will be added to the Intermediate period.

4. Empire Zone Program

The Empire Zone program expired on June 30, 2010. Customers on this program, prior to July 1, 2010, will continue to receive rate discounts until their previously agreed upon term has expired.

Incentives

- a) Discounts, specified under the applicable Service Classification, will be available to each qualifying Customer for no less than five (5) years and no longer than 10 years even if the life of the zone is extended.
- b) Discounts will be adjusted periodically due to changes in the Authority's incremental costs and/or rates, and
- c) Discounts will apply to the charges for additional energy and non-peak period demands over the previous 12-months' actual or estimated base levels at the time of participation.
- d) For Customers participating in the Recharge NY Power Program, the discount will be limited to the portion of load supplied by the Authority.

VII. ADJUSTMENTS TO RATES AND CHARGES OF SERVICE CLASSIFICATIONS (continued):**E. Adjustments to Rates to Encourage Business Development (continued):****5. Excelsior Jobs Program****a) Objective**

This program is intended to encourage businesses to expand or relocate to the Authority's service territory. Qualifying Customers that become certified through the New York State Empire State Development Corporation ("ESD") are eligible to receive rates equal to the Authority's cost to provide additional units of service (i.e., incremental cost), expressed as a percentage of the otherwise applicable rates. These rate discounts will not be adjusted more than once every 12 months. Participation in this program cannot occur concurrently with any other Business Development Program except the Recharge NY Power Program.

b) Program Definitions

- (1) Approval Date – Date on which Customer has been accepted into the Excelsior Jobs Program by ESD but has not achieved the job requirement threshold to become certified.
- (2) Certification Date – Date on which Customer has achieved Excelsior certification as recorded on a document from ESD and is considered certified in the program.

c) Who is Eligible**(1) A new Customer who:**

- (a) Takes service under Service Classification Nos. 2-L, 2L-VMRP, and 2-MRP, and
- (b) Locates in or moves to the Authority's service territory, and
- (c) Is Excelsior certified by the Empire State Development (ESD) of New York State, and
- (d) Applies to the Authority for discount within one year of NYS Excelsior program approval.

(2) An existing Customer who:

- (a) Increases its load by 25 percent or 50 kW, whichever is less; or
- (b) Increases its load by 25 percent to a minimum of 7 kW if served under Service Classification Nos. 2 and 2-VMRP;
- (c) Is Excelsior certified by the Empire State Development (ESD) of New York State; and
- (d) Applies to the Authority for discount within one year of NYS Excelsior program certification.

VII. ADJUSTMENTS TO RATES AND CHARGES OF SERVICE CLASSIFICATIONS (continued):**F. Distributed Energy Resources Cost Recovery Rate (continued):****3. Calculation of the Distributed Energy Resources Cost Recovery Rate**

The Distributed Energy Resources Cost Recovery Rate will be calculated separately for Small Customers and Large Customers. For Small Customers and Large Customers separately, the Distributed Energy Resources Cost Recovery Rate will be calculated as the sum of the eligible costs divided by the forecasted energy sales.

- a) The Authority will prepare and retain on file a "Statement of Distributed Energy Resources Cost Recovery Rate". The Statement will be available at the Authority's Business Offices.
- b) The Statement will show the authorized amounts to be recovered and the expected energy sales over which the authorized amounts will be recovered.
- c) The Distributed Energy Resources Cost Recovery Rate will be set annually, effective January 1st of each year.
- d) The Distributed Energy Resources Cost Recovery Rate may be reset during the year, based on updated values that have been approved by the Authority Board of Trustees.
- e) The Distributed Energy Resources Cost Recovery Rate will be rounded to the nearest 0.0001 cents per kWh.

4. Definition of Small and Large Customers

For purposes of the Distributed Energy Resources Cost Recovery Rate, the following definitions of Small Customers and Large Customers will apply.

a) The Small Customer Distributed Energy Resources Cost Recovery Rate applies to:

- (1) Service Classification No. 1 (Rate Codes: 180, 480, 481, 580)
- (2) Service Classification No. 1-VMRP (Rate Codes: 181, 182, 184, 188)
- (3) Service Classification No. 1-VTOU (Rate Codes: 190, 191, 192, 193)
- (4) Service Classification No. 2 (Rate Code 280)
- (5) Service Classification No. 2-VMRP (Rate Code 288, 292)
- (6) Service Classification Nos. 5, 7, 7A and 10 (Rate Codes 980, 780, 781, 782, 1580, 1581)
- (7) Service Classification No. 16-AMI (Rate Code M188 and M288)

b) The Large Customer Distributed Energy Resources Cost Recovery Rate applies to:

- (1) Service Classification Nos. 2-L, ~~and 2L-VMRP~~, 2-VMRP (Rate Codes 281, 283, 291, 282, ~~M282, 294~~)
- (2) Service Classification No. 2-MRP (Rate Codes 284, 285, M284, M285)
- (3) Service Classification Nos. 12 and 13 (Rate Codes 680, 681, 278)
- c) Retail Customers participating in the Long Island Choice or Green Choice program are subject to the Distributed Energy Resources Cost Recovery Rate according to their base rate Service Classification.
- d) Energy Service Companies (ESCOs) receiving service under Service Classification No. 14 are not subject to the Distributed Energy Resources Cost Recovery Rate.
- e) Energy delivered under the Recharge NY Power Program is not subject to the Distributed Energy Resources Cost Recovery Rate. (Rate Code 680). Energy delivered under Rate Code 680 but not under the Recharge NY Power Program is subject to the Distributed Energy Resources Cost Recovery Rate.

VII. ADJUSTMENTS TO RATES AND CHARGES OF SERVICE CLASSIFICATIONS:**J. Revenue Decoupling Mechanism****1. Purpose**

The purpose of the Revenue Decoupling Mechanism is to recover approved Delivery Service Revenues from customers. Actual Delivery Service Revenues are reconciled to the approved Delivery Service Revenues through the Revenue Decoupling Mechanism for certain Service Classifications groups, as described below,

2. Definitions

For the purposes of the Revenue Decoupling Mechanism, the following Service Classification Groups will apply.

a) Residential

- (1) Service Classification No. 1 (Rate Codes: 180, 480, 481, 580)
- (2) Service Classification No. 1-VMRP (Rate Codes: 181, 182, 184, 188)
- (3) Service Classification No. 1-VTOU (Rate Codes: 190, 191, 192, 193)
- (4) Service Classification No. 16-AMI (Rate Code M188)

b) Small Commercial

- (1) Service Classification No. 2 (Rate Code 280)
- (2) Service Classification No. 2-VMRP (Rate Code 288, 292)
- (3) Service Classification No. 16-AMI (Rate Code M288)

c) Large Commercial excluding mandatory demand metered service with multiple rate periods:

- (1) Service Classification No. 2-L (Rate Codes 281, 283, 291)
- (2) Service Classification No. 2L-VMRP (Rate Codes 282, ~~M282~~, 294)

d) Mandatory Large Demand Metered Service with Multiple Rate Periods

- (1) Service Classification No. 2-MRP (Rate Codes 284, 285, M284, M285)

VIII. SERVICE CLASSIFICATIONS (continued):**D. SERVICE CLASSIFICATION NO. 2 - General Service – Small (continued):**
(Rate Code: 280)
Special Provisions (continued):**a) Transfer to Service Classification Nos. 2-L, or 2L-VMRP**

Customers will be transferred to Service Classification Nos. 2-L, or at their option, 2L-VMRP when:

- (1) For monthly-billed Customers, electric usage during the last twelve (12) months has equaled or been greater than 2000 KWH in each of two (2) consecutive monthly billing periods, or
- (2) For bimonthly-billed Customers, consumption during the last twelve (12) months has equaled or been greater than 4000 KWH in two (2) consecutive bimonthly billing periods.

The transfer will take place within ninety (90) days- after the Authority certifies that the Customer qualifies for the service.

b) Excelsior Jobs Program

The Excelsior Program is intended to encourage businesses to expand or relocate to the Authority's service territory.

- (1) The Authority's discount is available to certified participants who increase their load by at least 25%, to a minimum of 7 KW within one year of Excelsior Jobs Program certification, and
- (2) Customers who qualify would be transferred to an appropriate demand-meter rate (Service Classifications 2-L, 2L-VMRP, or 2-MRP) and receive rate discounts on charges for the additional energy used as stated under that Service Classification.

c) Service for Religious Purposes, or Community Residences, or Veterans' Organizations

Customers under this Service Classification who use electricity for religious purposes, for Community Residences, or Veterans' Organizations as specified in Section 76 of the Public Service Law, may apply for a suitable residential service after a minimum term of one (1) year.

- (1) The transferring Customer shall submit a new Application to the Authority before the transfer, and
- (2) The transfer will take place at the time of the Customer's next meter reading.

VIII. SERVICE CLASSIFICATIONS (continued):**E. SERVICE CLASSIFICATION NO. 2-VMRP****Voluntary Small General Service With Multiple Rate Periods: (continued)**
(Rate Code: 288, 292)7. Minimum Charge

The Minimum Charge is the Service and Meter Charge, plus Adjustments to Rates and Charges.

8. Terms of Payment

The Customer shall pay the balance due in cash, including checks and money orders, on receiving the bill. Late payments shall be subject to Late Payment Charges.

9. Term of Service

- a) The Authority will provide service to the Customer until service is terminated either by the Customer or the Authority.
- b) The Customer shall give the Authority five (5) days written notice when requesting termination of service.
- c) The Authority may terminate service to the Customer in accordance with the provisions of this Tariff.

10. Special Provisionsa) Corrective Equipment Requirements

When the installation includes welders, x-rays, or other apparatus having a highly fluctuating or large instantaneous demand, the Customer shall provide batteries, rotating equipment, or other corrective equipment to reduce the inrush current to an amount acceptable to the Authority.

b) Transfer to Service Classification Nos. 2-L, or 2L-VMRP

- (1) Customers will be transferred to Service Classification Nos. 2-L, or at their option 2L-VMRP when:
 - (a) For monthly-billed Customers, electric use during the last twelve (12) months has equaled or been greater than 2000 KWH in each of two (2) consecutive monthly billing periods, or
 - (b) For bimonthly-billed Customers, electric use during the last twelve (12) months has equaled or been greater than 4000 KWH in two (2) consecutive bimonthly billing periods.
- (2) The transfer will take place within ninety (90) days after the Authority certifies that the Customer qualifies for the service.

VIII.SERVICE CLASSIFICATIONS (continued):**G. SERVICE CLASSIFICATION NO. 2L - VMRP****Voluntary Large Demand Metered Service With Multiple Rate Periods:****(Rate Codes: 282, ~~and M282, 294~~)****1. Who Is Eligible**

Customers who will use the service for purposes other than Residential, when:

- a) For monthly-billed Customers, electric usage has been greater than 2,000 KWH in each of two (2) consecutive monthly billing periods, or
- b) For bimonthly-billed Customers, electric usage has been greater than 4,000 KWH in two (2) consecutive bimonthly billing periods, or
- c) It is estimated by the Authority that the Applicant's demand is 7 KW or more, or
- d) A Customer, as described in a. through c. above, that has the option under Service Classification No. 12 – Back-up and Supplemental Service, can choose to pay the rates and charges associated with a different Service Classification.
- e) This Service is optional to S.C. Nos. 2-L.

f) Effective January 1, 2023, rates 282 will no longer be available to new or transferring customers. Customers may request Service Classification No. 2L or rate 294.

g) Effective January 1, 2023, rates M282 will no longer be available to customers. Customers may request Service Classification No. 2L or rate 294.

h) Rate Code 294, customers must have Advanced Metering Infrastructure (AMI) installed to qualify.

i) A customer is not eligible to return to Rate Code 294 for a period of 12 months from its date of exit from Rate Code 294.

2. Character of Service

- a) Continuous, 60 hertz, alternating current.
- b) Radial secondary service at approximately 120/208, 120/240, or 277/480 volts, single or three phase; network system 120/208 or 277/480 single or three phase; depending on the size and characteristics of the load and the circuit supplying the service.
- c) Radial primary service at approximately 2,400/4,160, 7,620/13,200, 23,000 or 33,000 volts, three phase, depending on the size and characteristics of the load and the circuit supplying the service.

VIII. SERVICE CLASSIFICATIONS (continued):**G. SERVICE CLASSIFICATION NO. 2L - VMRP****Voluntary Large Demand Metered Service With Multiple Rate Periods (continued):****(Rate Codes: 282, ~~and M282, 294~~)****3. Rates and Charges per Meter per Month:****a) Schedule of Rates**

The rates for this service code are set forth below.

Rate Code 282-(Secondary)*

Service Charge per day \$2.02

Meter Charge per day \$.3200

Rate Periods**

	1	2	3
	<u>Off-Peak</u>	<u>On-Peak*</u>	<u>Intermediate</u>
	all year	June - Sept.	all
		weekdays	other
	11 p.m.	12 noon	hours
	to 7 a.m.	to 8 p.m.	
Demand Charge per kW			
Total of 3 Rate Periods	none	\$63.25	\$5.42
Energy Charge per kWh			
Total of 3 Rate Periods	\$.0039	\$.0276	\$.0231
Minimum Demand Charge			
per Meter per kW			
per Rate Period	none	\$55.58	\$6.74

~~*For Rate Code M282 (Secondary), the modified peak period is from 3 p.m. to 8 p.m. See leaf 177 and 177B.~~

** See Paragraph IV.A.10, "Daylight Savings Time", on Leaf No. 99.

VIII.SERVICE CLASSIFICATIONS (continued):**G. SERVICE CLASSIFICATION NO. 2L - VMRP****Voluntary Large Demand Metered Service With Multiple Rate Periods (continued):****(Rate Codes: 282, ~~and M282, 294~~)****Rates and Charges per Meter per Month (continued):**

Rate Code 282-(Primary)

Service Charge per day \$2.02

Meter Charge per day \$.9600

Rate Periods**

	1	2	3
	<u>Off-Peak</u>	<u>On-Peak*</u>	<u>Intermediate</u>
	all year	June - Sept.	all
	11 p.m.	weekdays	other
	to 7 a.m.	12 noon	hours
		to 8 p.m.	
Demand Charge per kW			
Total of 3 Rate Periods	none	\$60.11	\$5.19
Energy Charge per kWh			
Total of 3 Rate Periods	\$.0036	\$.0249	\$.0209
Demand Charge per kvar			
of Reactive Demand			
Total of 3 Rate Periods	none	\$.270	\$.270
Minimum Demand Charge			
per Meter per kW			
per Rate Period	none	\$52.91	\$6.44

* ~~For Rate Code M282 (Primary), the modified peak period is from 3 p.m. to 8 p.m. See Leaf 177 and 177B.~~

**See Paragraph IV.A.10, "Daylight Savings Time", on Leaf No. 99.

~~b) Adjustments to Rates and Charges~~

~~Each Customer's bill will be adjusted for the Power Supply Charge, Increases in Rates and Charges to Recover PILOT Payments, the Shoreham Property Tax Settlement Rider, the Distributed Energy Resources Cost Recovery Rate, the New York State Assessment Factor, Revenue Decoupling Mechanism, the Securitization Offset Charge, and the Delivery Service Adjustment.~~

~~4. Minimum Charge All Rate Codes~~

~~The monthly Minimum Charge is the sum of the Service and Meter Charges, and may include an annual Demand Charge (See 6.below), plus Adjustments to Rates and Charges.~~

VIII.SERVICE CLASSIFICATIONS (continued):**G. SERVICE CLASSIFICATION NO. 2L - VMRP****Voluntary Large Demand Metered Service With Multiple Rate Periods (continued):**
(Rate Codes: 282, 294)Rate Code 294

Service Charge per day \$X.XX

<u>Energy Charge per kWh</u>	<u>Summer Season</u>	<u>Winter Season</u>	<u>Shoulder Season</u>
Peak	\$ 0.XXXX	\$ 0.XXXX	\$ 0.XXXX
Off-Peak	\$ 0.XXXX	\$ 0.XXXX	\$ 0.XXXX
Super Off-Peak	\$ 0.XXXX	\$ 0.XXXX	\$ 0.XXXX

<u>Demand Charge per KW</u>	<u>Summer Season</u>	<u>Winter Season</u>	<u>Shoulder Season</u>
Peak	\$XX.XX	\$XX.XX	\$XX.XX
Off-Peak	\$X.XX	\$X.XX	\$X.XX

Periods:

Peak: 3:00 PM – 7:00 PM Monday through Friday excluding Federal Holidays
Off-Peak: 6:00 AM – 3:00 PM and 7:00 PM – 11:00 PM Monday through Friday,
and 6:00 AM – 11:00 PM on Saturday, Sunday and Federal Holidays
Super Off-Peak: 11:00 PM – 6:00 AM all days

Summer Season: June 1 through September 30 inclusiveWinter Season: December 1 through March 31 inclusiveShoulder Season: April 1 through May 31 inclusive and October 1 through November 30 inclusive.**4. Power Supply Charges (for Rate Code 294):**a) The Power Supply Charge will vary for each period.b) The Authority will publish the rates as part of the Statement of Power Supply Charge.
The Statement will be available at the Authority's business offices.

VIII.SERVICE CLASSIFICATIONS (continued):**G. SERVICE CLASSIFICATION NO. 2L - VMRP****Voluntary Large Demand Metered Service With Multiple Rate Periods (continued):****(Rate Codes: 282, ~~and M282, 294~~)****b) Adjustments to Rates and Charges**

Each Customer's bill will be adjusted for the Power Supply Charge, Increases in Rates and Charges to Recover PILOT Payments, the Shoreham Property Tax Settlement Rider, the Distributed Energy Resources Cost Recovery Rate, the New York State Assessment Factor, Revenue Decoupling Mechanism, the Securitization Offset Charge, and the Delivery Service Adjustment.

5. Minimum Charge - All-Rate Codes 282

The monthly Minimum Charge is the sum of the Service and Meter Charges, and may include an annual Demand Charge (See 7.below), plus Adjustments to Rates and Charges.

5.6. How Demand is Determined

The Authority will furnish and maintain a demand meter of standard type to determine the demand. The demand is the maximum 15-minute demand during the month in each Rate Period, taken to the nearest one-tenth (1/10) kilowatt.

6.7. How the Minimum Demand Charges are Determined

- a) The Authority will charge an annual Minimum Demand Charge to those Customers whose actual billed demand revenues in Periods 1, 2, and 3 are less than the Minimum Demand Charges given above. The Authority will not apply this charge to new Customers taking service for part of a calendar year or to Customer-generators eligible for net billing.
- b) The Authority will use the highest recorded demands for Periods 1, 2, and 3 and multiply those demands by the Minimum Demand Charges to determine the minimum amount the Customer is responsible for.
- c) If the sum of the Minimum Demand Charges in the three (3) periods is greater than the sum of the actual billed demand revenues for the year under review, the difference will be charged to the Customer's account, and
- d) When this difference is more than 10 percent (10%) of the total annual demand revenues, the Customer may choose to pay it in no more than twelve (12) equal monthly installments.

7.8. How the Net Reactive Demand is Determined (Rate 282)

- a) The Net Reactive Demand is the 15-minute integrated kilovolt-amperes of lagging reactive demand minus 48% of the 15-minute integrated kilowatt demand recorded during the same 15-minute period.
- b) The Customer will be billed monthly for the maximum Net Reactive Demand recorded between 7:00 a.m. through 11:00 p.m.
- c) For billing purposes, the maximum Net Reactive Demand will be the greater of:
 - (1) The maximum Net Reactive Demand recorded for the month from 7:00 a.m. through 11:00 p.m., or
 - (2) 100% of the maximum Net Reactive Demand recorded from June through September, from 7:00 a.m. through 11:00 p.m., during the last eleven (11) months.

VIII. SERVICE CLASSIFICATIONS (continued):**G. SERVICE CLASSIFICATION NO. 2L - VMRP****Voluntary Large Demand Metered Service With Multiple Rate Periods (continued):****(Rate Codes: 282, and ~~M282~~ 294)****~~8-9.~~ Terms of Payment**

The Customer shall pay the balance due in cash, including checks and money orders, on receiving the bill. Late payments shall be subject to Late Payment Charges.

~~9-10.~~ Term of Service

The Authority will provide service to the Customer for one (1) year from the start of service and renewed annually after that, unless service is terminated either by the Customer or the Authority.

- a) The Customer shall give the Authority five (5) days written notice before its Anniversary Date when requesting termination of service.
- b) The Authority may terminate service to the Customer in accordance with the provisions of this Tariff.
- c) The Authority will not renew service within one (1) year of termination at the same location for the same Customer.

~~10-11.~~ Special Provisions**a) Corrective Equipment Requirements**

When the installation includes welders, x-rays, or other apparatus having a highly fluctuating or large instantaneous demand, the Customer shall provide batteries, rotating equipment, or other corrective equipment to reduce the inrush current to an amount acceptable to the Authority.

b) Two-Phase Service

Two-phase service is no longer available. Any Customer receiving two-phase service under this Service Classification will continue to receive the service until other arrangements are made.

VIII. SERVICE CLASSIFICATIONS (continued):**G. SERVICE CLASSIFICATION NO. 2L - VMRP****Voluntary Large Demand Metered Service With Multiple Rate Periods (continued):****(Rate Codes: 282, ~~and M282, 294~~)****Special Provisions (continued):****c) Transfer to Other Service Classifications**

- (1) At their option, Customers taking service at secondary voltages may transfer to either Service Classification No. 2, General Service - Small or at their option Service Classification No. 2-VMRP, Voluntary Small General Service with Multiple Rating Periods, when:
 - (a) The Customer requests a transfer, and
 - (b) The metered demand of the Customer has been less than 5.6 KW for twelve (12) consecutive billing periods, and
 - (c) The energy consumption has been less than 1600 KWH per month for twelve (12) consecutive billing periods, and
 - (d) The transfer will take place within ninety (90) days after the Authority certifies that the Customer qualifies for the services.
- (2) Customers will be transferred to Service Classification No. 2-MRP, Large General and Industrial Service with Multiple Rate Periods, when the monthly recorded demand:
 - (a) Was greater than 145 KW in any two consecutive months, in which case the transfer will take place within ninety (90) days after the summer billing period ends.
 - (b) The S.C. No. 2-MRP rate will go into effect on the day the meter is installed.

VIII.SERVICE CLASSIFICATIONS (continued):**G. SERVICE CLASSIFICATION NO. 2L - VMRP****Voluntary Large Demand Metered Service With Multiple Rate Periods (continued):****(Rate Codes: ~~282~~, and ~~M282~~, ~~294~~)****Special Provisions (continued):****d) Business Development Programs****(1) Empire Zone Program**

(a) The Empire Zone Program expired on June 30, 2010. Customers on this program, prior to July 1, 2010, will continue to receive rate discounts until their previously agreed upon term has expired.

(b) With the exception of the Calverton portion of the Suffolk County Empire Zone, customers who qualify receive a 50% discount on their Base Rate Energy Charge per kWh and Period 3 Demand Charges, but only for the additional energy and demand.

(c) Qualifying customers within the Calverton portion of the Suffolk County Empire Zone receive a 6% discount on their Base Rate Energy Charge per kWh and Period 3 Demand Charges, but only for the additional energy and demand.

(2) Excelsior Jobs Program

(a) The Excelsior Jobs Program is intended to encourage business to expand or relocate to the Authority's Service Area.

(b) The Authority's discount is available to certified participants who increase their load by at least 25%, to a minimum of 7 kW within one year of Excelsior Jobs Program certification.

(c) Customers who qualify will pay \$0.0467 for their Base Rate Energy Charge per kWh for the additional energy associated with the incremental load subsequent to the ESD Approval Date. There will be no demand charges associated with the incremental load subsequent to the ESD Approval Date.

(3) Manufacturing Competitiveness and Business Incubation Programs

(a) Customers who qualify after June 29, 2012 receive a 100% discount on their Base Rate Energy Charges per kWh for Periods 1, 2, and 3 in the first year of their participation in the Program. Participants that qualified before June 29, 2012 will continue to receive a 50% discount on their Base Rate Energy Charge, subject to pro-ration as noted in the next paragraph.

(b) The discounts will decrease by one-fifth (1/5) each year after the first year until the Customers are billed at the rate's regular levels at the end of the fifth year.

VIII. SERVICE CLASSIFICATIONS (continued):**G. SERVICE CLASSIFICATION NO. 2L - VMRP****Voluntary Large Demand Metered Service With Multiple Rate Periods (continued):****(Rate Codes: 282, ~~and M282, 294~~)****Special Provisions (continued):**

~~(c) Customers who qualify may apply for modified rate periods. The modified peak Period 2 hours are June through September, Monday through Friday, 3 p.m. to 8 p.m. The hours June through September, Monday through Friday, 12 noon to 3 p.m., are included in the Intermediate period. These customers will be billed under Rate Code M282.~~

e) Service for Religious Purposes, Supervised Community Residences, or Veterans' Organizations

Customers under this Service Classification who use electricity for religious purposes, for Community Residences, or Veterans' Organizations as specified in Section 76 of the Public Service Law, may apply for a suitable residential service after a minimum term of one (1) year.

- (1) The transferring Customer shall submit a new Application to the Authority before the transfer, and
- (2) The transfer will take place at the time of the Customer's next meter reading.

VIII. SERVICE CLASSIFICATIONS (continued):**I. SERVICE CLASSIFICATION NO. 2 - MRP****Large General and Industrial Service With Multiple Rate Periods (continued):****(Rate Codes: 284, 285, M284, M285)****Special Provisions (continued):**

- f) Transfer to Service Classification Nos. 2-L or 2L-VMRP

At their option, Customers taking service at Service Classification No. 2-MRP can be transferred to Service Classification Nos. 2-L or at their option, 2L-VMRP when:

- (1) The Customer requests a transfer, and
- (2) The metered demand of the Customer has been less than 116 KW for twelve (12) consecutive billing periods, and
- (3) The transfer will take place within ninety (90) days after the Authority certifies that the Customer qualifies for the services,

- g) Service for Religious Purposes, Supervised Community Residences, or Veterans' Organizations

Customers under this Service Classification who use electricity for religious purposes, for Community Residences, or Veterans' Organizations as specified in Section 76 of the Public Service Law, may apply for a suitable residential service after a minimum term of one (1) year.

- (1) The transferring Customer shall submit a new Application to the Authority before the transfer, and
- (2) The transfer will take place at the time of the Customer's next meter reading.

VIII.SERVICE CLASSIFICATIONS (continued):**S. SERVICE CLASSIFICATION NO. 16- AMI****Advanced Metering Initiative Pilot Service (continued):****(Rate Codes: M188, M288)****Program Requirements (continued)****3. Program Eligibility/Non-Eligibility**

- a) Residential and Small General Service (rate codes 280 and 288) Customers who volunteer for the pilot program and have AMI installed.
- b) The terms and conditions for Advanced Metering Initiative pilot are contained in Service Classification No. 1-VMRP(S) and 2-VMRP, except as modified below.
- c) Qualified participants will be eligible for the pilot, except that:
 - (1) The Authority Staff has the option to deny participation in the pilot program to any Customer it deems as not contributing to the objectives or requirements of the pilot program.
- d) Customers who are not eligible to participate in the program include:
 - (1) Customers who receive service under provisions related to Residential Off-Peak Energy Storage served under Service Classification No. 1.
 - (2) Customers who receive some or all of their electric requirements from the New York Power Authority (NYPA).
 - (3) Customers who sell power to the Authority as Qualifying Facilities.
 - (4) Customers who receive unmetered service.
 - (5) Customers who receive service under Service Classification Nos. 11, 12 and 13.
- e) Effective January 1, 2022, rates M188 and M288 are no longer available to new or transferring customers.
- f) Effective January 1, 2023, rates M188 and M288 are no longer available to customers. Customers participating in this rate code as of December 31, 2022 will be transferred to Service Classification No. 1 or Service Classification No. 2 as appropriate (rate code 180 or rate code 580 or rate code 280 as appropriate), unless they request a transfer to Service Classification No. 1-VTOU or Service Classification 2L-VMRP, as appropriate, at least 30 days before that date.

XI. Dynamic Load Management

A. Direct Load Control Program

1. Purpose and Applicability:

The Direct Load Control ("DLC") Program allows the Authority to remotely control the Participating Customer's Control Device to reduce the Customer's load during an Event. The program utilizes third-party Control Devices Providers to identify Participants and install and manage the Control Devices that meet the Authority's specifications for communications.

Participation is applicable to Customers served at Primary and Secondary voltage in the Service Classifications listed below in all locations within the Service Area, except for those described in the Statement of Direct Load Control Program Payments.

Service Classification No. 1 (Rate Codes 180, 580; excluding 480 and 481)

Service Classification No. 1-VMRP (L) (Rate Codes 181, 182, 184)

Service Classification No. 1-VMRP(S) (Rate Code 188)

Service Classification No. 1-VTOU (Rate Codes 190, 191, 192, 193)

Service Classification No. 2 (Rate Code 280)

Service Classification No. 2-VMRP (Rate Code 288, 292)

Service Classification No. 2-L (Rate Codes 281, 291, 283)

Service Classification No. 2L-VMRP (Rate Codes 282, ~~M282, 294~~)

Service Classification No. 2-MRP (Rate Codes 284, 285, M284, M285)

Service Classification No. 16-AMI (Rate Codes M188, M288)

2. Eligibility:

To participate under this program, a Customer must have load controllable equipment and agree to the installation of a Control Device.

This program is not available to Customers who participate either directly or indirectly through a third party, under any other Authority or NYISO demand-response program.

The Manager may, in the future, offer an alternate direct load control program through a third-party vendor to customers in a defined geographic area. In coordination with non-wires alternatives such as these, eligibility for the DLC program for Customers within such designated area(s) may be temporarily restricted such that only Customers who have applied to and been rejected from the alternate third-party vendor program will be eligible for enrollment within the Authority's DLC program. Such restriction on application to the DLC program shall cease upon the earlier of (a) the date on which the alternate program achieves the amount of peak load reduction in the designated area specified by the Manager, and (b) the exclusivity deadline specified by the Manager. A list of geographic areas in which this provision applies will be set forth in the Statement of Direct Load Control Program Payments which will be amended from time to time to reflect new and completed alternate programs.

3. Definitions:

Control Device: A device installed on the Customer's load controllable equipment via a smart plug or embedded control that allows the Authority to remotely control the equipment when an Event is called. For purposes of this program, Control Device means one or more devices as may be required to control the equipment. Each Control Device contains a feature that allows the Customer to override the Authority's control of the Customer's equipment. The Control Device must be provided, installed, and connected to the Internet by the Customer or an approved Control Device Provider in a manner that ensures communications between the Authority and the Control Device.

XIII. Dynamic Load Management

B. Commercial System Relief Program

1. Purpose and Availability

The Commercial System Relief Program is being offered by the Authority to enable participating eligible customers to be compensated for reducing their load under certain conditions when called upon by the Authority to do so.

The program is available to any Customer served at transmission, primary or secondary voltage and taking service under one of the Service Classifications shown below; and to any Aggregator that meets the requirements of this Rider.

Service Classification No. 1 (Rate Codes 180, 580; excluding 480, 481)

Service Classification No. 1-VMRP(L) (Rate Codes 181, 182, 184)

Service Classification No. 1-VMRP(S) (Rate Codes 188)

Service Classifications No. 1-VTOU (Rate Codes 190, 191, 192, 193)

Service Classification No. 2 (Rate Code 280)

Service Classification No. 2-VMRP (Rate Code 288, 292)

Service Classification No. 2-L (Rate Codes 281, 291, 283)

Service Classification No. 2L-VMRP (Rate Codes 282, ~~M282, 294~~)

Service Classification No. 2-MRP (Rate Codes 284, 285, M284, M285)

Service Classification Nos. 11, 12, and 13 (Rate Codes 289, 680, 681, 278)

Service Classification No. 16-AMI (Rate Code M188, M288)

Customers who take service pursuant to the Direct Load Control Program are not eligible to participate in this program.

Customer-generators subject to Value Stack compensation may choose to waive the DRV compensation of the Value Stack and opt-in to participating in the Commercial System Relief Program (CSRP). Opting into the CSRP program is a one-time irreversible decision which may be made at any point during the project's Value Stack compensation period. —

The Metropolitan Transportation Authority for Traction Power Service to the Long Island Rail Road and Brookhaven National Laboratories pursuant to a Sale for Resale agreement between the Authority and the New York Power Authority (both as referenced on Leaf 271) are not eligible to participate.

2. Definitions:

Aggregator: A party other than the Authority that represents and aggregates the load of Customers who collectively have a Load Relief potential of 50 kW or greater in an Authority Designated Area and is responsible for the actions of the Customers it represents, including performance and, as applicable, repayments to the Authority. A Direct Participant may combine multiple customer locations to meet the Load Relief potential requirements of an aggregator.

Authority Designated Area: An electrically defined area determined by the Authority to be approaching system capacity limits during peak periods. A current list of the Authority Designated Areas will be listed on the Manager's website and payments by area are listed on the Statement of Commercial System Relief Program Payments.

Capability Period: The period during which the Authority can request Load Relief. The Capability Period will be from May 1 through September 30.

XIII. Dynamic Load Management

C. Distribution Load Relief Program

1. Purpose and Availability

The Distribution Load Relief Program is being offered by the Authority to enable participating eligible customers to be compensated for reducing their load under certain conditions when called upon by the Authority to do so.

The program is available to any Customer served at primary or secondary voltage and taking service under one of the Service Classifications shown below; and to any Aggregator that meets the requirements of this Rider.

Service Classification No. 1 (Rate Codes 180, 580; excluding 480, 481)

Service Classification No. 1-VMRP(L) (Rate Codes 181, 182, 184)

Service Classification No. 1-VMRP(S) (Rate Codes 188)

Service Classification No. 1-VTOU (Rate Codes 190, 191, 192, 193)

Service Classification No. 2 (Rate Code 280)

Service Classification No. 2-VMRP (Rate Code 288, 292)

Service Classification No. 2-L (Rate Codes 281, 291, 283)

Service Classification No. 2L-VMRP (Rate Codes 282, ~~M282, 294~~)

Service Classification No. 2-MRP (Rate Codes 284, 285, M284, M285)

Service Classification Nos. 11, 12, and 13 (Rate Codes 289, 680, 681, 278)

Service Classification No. 16-AMI (Rate Code M188, M288)

Customers who take service pursuant to the Direct Load Control Program are not eligible to participate in this program.

The Metropolitan Transportation Authority for Traction Power Service to the Long Island Rail Road and Brookhaven National Laboratories pursuant to a Sale for Resale agreement between the Authority and the New York Power Authority (both as referenced on Leaf 271) are not eligible to participate.

2. Definitions:

Aggregator: A party other than the Authority that represents and aggregates the load of Customers who collectively have a Load Relief potential of 50 kW or greater in an Authority Designated Area and is responsible for the actions of the Customers it represents, including performance and, as applicable, repayments to the Authority. A Direct Participant may combine multiple customer locations to meet the Load Relief potential requirements of an Aggregator.

Authority Designated Area: An electrically defined area determined by the Authority to be approaching system capacity limits during peak periods. A current list of the Authority Designated Areas will be listed on the Manager's website and Reservation Payments by area are listed on the Statement of Distribution Load Relief Program Payments.

Capability Period: The period during which the Authority can request Load Relief. The Capability Period will be from May 1 through September 30.

Long Island Power Authority

Statement of Power Supply Charge

Applicable to billings under all Service Classifications
As set forth in the Tariff for Electric Service

Applicable to billings under all Service Classifications other than Service Classifications No. 1-VTOU, ~~and~~ No. 2-VMRP ~~and No. 2-L VMRP~~ as set forth in the Tariff for Electric Service

Power Supply Charge as adjusted to Achieve Targeted Level of Revenues, cents/kWh (1) XX.XXXX

Unbundled Charges for the Long Island Choice Program:

Market Supply Charge applicable to Bundled Sales, cents/kWh X.XXXX

Merchant Function Charge applicable to Bundled Sales, cents/kWh X.XXXX

Local Supply Charge applicable to Bundled Sales and LI Choice Sales, cents/kWh X.XXXX

Applicable to billings under Service Classification No. 1-VTOU, ~~and~~ No. 2-VMRP (Rate Code 292) ~~and No. 2L-VMRP (Rate Code 294)~~ as set forth in the Tariff for Electric Service Power Supply TOU Period

Adjustment Factors**Charge - cents/kWh (1)**

Rate Code	Peak Hours	Off-Peak Hours / Day Time Hours	Super Off-Peak Hours	Peak Hours	Off-Peak Hours / Day Time Hours	Super Off-Peak Hours
190	198.72%	100%	60%	XX.XXX	XX.XXX	XX.XXX
191	169.44%	100%	60%	XX.XXX	XX.XXX	XX.XXX
192	176.89%	100%	60%	XX.XXX	XX.XXX	XX.XXX
193	n/a	111.57%	60%	n/a	XX.XXX	XX.XXX
292	161.08%	100%	60%	XX.XXX	XX.XXX	XX.XXX
<u>294</u>	<u>160.52%</u>	<u>100%</u>	<u>60%</u>	<u>XX.XXX</u>	<u>XX.XXX</u>	<u>XX.XXX</u>

(1) The Average Cost of the Power Supply Charge, as adjusted to Achieve Targeted Level of Revenues, is set pursuant to the Board of Trustees' March 27, 2003, April 27, 2006, June 22, 2006 and October 25, 2012 resolutions, which provide for recovery of approximately \$~~158-XXX~~ million of targeted revenues for the month of January ~~2022XXXX~~.

Long Island Power Authority

Statement of Market Energy Prices

Applicable to Service Classification No. 11 and Net Metering Customers
as set forth in the Tariff for Electric Service

1. Monthly LBMP

Transmission (3)	\$ 0.0624	per kWh
Subtransmission (4)	\$ 0.0628	per kWh
Secondary Voltage (1)	\$ 0.0649	per kWh
Primary Voltage (2)	\$ 0.0636	per kWh

2. Time-of-Use LBMP

Residential and Small Commercial Secondary Voltage (1)
(181, 182, 184, 188, 288)

Period 1	\$ -	per kWh
Period 2	\$ 0.0605	per kWh
Period 3	\$ -	per kWh
Period 4	\$ 0.0748	per kWh

Large Commercial
(282, 284, 285)

	<u>Secondary Voltage (1)</u>		<u>Primary Voltage (2)</u>		<u>Transmission Voltage (3)</u>		<u>Subtransmission Voltage (4)</u>	
Period 1	\$ 0.0525	per kWh	\$ 0.0514	per kWh	\$ 0.0505	per kWh	\$ 0.0508	per kWh
Period 2	\$ -	per kWh	\$ -	per kWh	\$ -	per kWh	\$ -	per kWh
Period 3	\$ 0.0700	per kWh	\$ 0.0686	per kWh	\$ 0.0673	per kWh	\$ 0.0678	per kWh

Long Island Power AuthorityStatement of Market Energy Prices**3. Time-of-Use LBMP VTOU Residential and ~~Small~~ Commercial**
Rate Codes as indicated belowSecondary Voltage (1)

	<u>Super Off Peak</u>	<u>Peak</u>	<u>Off Peak</u>	
Rate 190	\$0.0524	\$0.0924	\$0.0677	per kWh
Rate 191	\$0.0527	\$0.0908	\$0.0665	per kWh
Rate 192	\$0.0524	\$0.0865	\$0.0677	per kWh
Rate 292, 294	\$0.0513	\$0.0865	\$0.0671	per kWh
	<u>Daytime</u>	<u>Nighttime</u>		
Rate 193	\$0.0705	\$0.0513		per kWh

- (1) Adjusted to reflect loss factor multiplier of 1.0619 at the secondary voltage level per Statement No. 4-EDL
 (2) Adjusted to reflect loss factor multiplier of 1.0407 at the primary voltage level per Statement No. 4-EDL
 (3) Adjusted to reflect loss factor multiplier of 1.0219 at the transmission voltage level per Statement No. 4-EDL
 (4) Adjusted to reflect loss factor multiplier of 1.0288 at the subtransmission voltage level per Statement No. 4-EDL

III. Overhead and Underground Distribution of Electricity (continued):

E. Meters (continued):

3. Meter Testing

- a) The Authority will test meters if requested directly by the Customer.
- b) The Authority shall pay the cost of the testing.
- c) The Authority will perform the tests within sixty (60) days of the request, unless prevented by events it cannot control.

4. Types of Meters

The Authority will determine the type of meter installed.

5. Existing Customer without an AMI smart meter:

Effective January 1, 2019, Residential Service Classification No. 1 Customers (rates 180, 480, 481, 580), receiving service through a non-AMI equipped meter will be notified of replacement with an AMI equipped smart meter. With the following exceptions, residential Customers may opt-out of receiving the smart meter:

- a) Customers who participate in net metering;
- b) Retail choice program participants (Long Island Choice and Green Choice); and
- c) Residential Customers served under time-of-use service classifications (1-VMRP(S), 1-VMRP(L), and 1-VTOU).

Commercial service classifications are ineligible to opt-out of smart meter installation.

The customer will receive communication from the Authority at least 45 days prior to the install date of the AMI equipped smart meter. If the customer does not want an AMI equipped smart meter they may request that service be continued through a non-communicating meter but for the exceptions noted above.

Residential Service Classification No.1 Customers who do not object to installation of an AMI equipped smart meter and later request removal of the AMI equipped smart meter and replacement with a non-communicating meter will be subject to a meter removal fee as described in Section IV.C.11.

Beginning in ~~January 1, 2023~~August 1, 2022, customers who have opted out of receiving the AMI equipped smart meter will be charged a daily opt out service fee ("AMI Smart Meter Daily Opt-Out Fee") as described in Section IV.C.11.

IV. Billing Process and Payment of Bills (continued):**C. Charges for Miscellaneous Services (continued):****10. Meter Reading Historical Information:**

- a) Customers, ESCO's and DRC's may request and will be provided, if available, up to twenty-four (24) months of monthly or bi-monthly historical meter reading information without charge. Monthly or bi-monthly historical meter reading information for historical periods beyond the twenty-four (24) months will be provided, as available, for a charge of forty dollars (\$40.00) regardless of the number of months of information requested or provided. Hourly or fifteen (15) minute interval data covering any historical monthly period will be provided, if available, at a charge of ten dollars (\$10.00) for each meter reading period's requested data.
- b) Customers who request their remote AMI meter reading data to be provided to them on a monthly basis will individually enter into a negotiated price agreement with the Authority.

AMI customers can retrieve all available meter data from the Manager's Website at no charge. Where available, AMI will be used to collect meter data and measure net electricity transactions.

- c) Upon written request from a prospective tenant or lessee, the Authority will provide, at no cost, the total electricity charges incurred at the prospective residential rental premises for the life of the premises, or the preceding two-year period, whichever is shorter. Prior to the commencement of the tenancy or execution of a lease, the Manager will provide such information to the landlord or lessor and to the prospective tenant, or other authorized person, within ten days of receipt of the written request. The written request needs to include an email address where the requested data can be sent.

11. Metering Related AMI Charges:

- a) Residential Service Classification No.1 Customers (rates 180, 480, 481, 580) who are eligible to opt-out from installation of a smart meter (see Section III.E.5) but did not opt-out until after installation will be subject to a one-time fee ("One Time Meter Removal Fee") as per the Statement of AMI Smart Meter Fees.
- b) Beginning ~~January 1, 2023~~August 1, 2022, customers who have opted out of receiving an AMI equipped smart meter will be subject to a daily opt-out fee ("AMI Smart Meter Daily Opt-Out Fee") as per the Statement of AMI Smart Meter Fees.

Long Island Power Authority

Statement of AMI Smart Meter Fees (AMI)

Applicable to Residential Service Classification No.1 Customers who have Opted Out of having an AMI equipped Smart Meter installed.

One Time Meter Removal Fee (after AMI meter has been installed)..... \$65.61

~~*AMI Smart Meter Daily Opt-Out Fee~~ ~~\$N/A~~0.38

~~*Note that this charge is currently not in effect~~



Rory M. Christian
Chair and
Chief Executive Officer

125 East Bethpage Road, Plainview, NY 11803
www.dps.ny.gov/longisland

July 18, 2022

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 22-00945 – 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) proposed modifications to its Tariff for Electric Service (Tariff), which will become effective in 2022 and 2023. 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 the adoption of the Authority's proposals in accordance with the discussion set forth herein.

LIPA proposed several modifications to its Tariff for Electric Service. These include changes to its existing tariff to: 1) Introduce a new optional Time-of-Use (TOU) rate for large commercial customers, effective January 1, 2023; and 2) Update the effective date of the Advanced Metering Infrastructure (AMI) manual meter reading fee (AMI Smart Meter Daily Opt-Out Fee) to the PSEG LI smart meter AMI opt out customers, effective August 1, 2022.

Time-of-Use Rate for Large Commercial Customers

LIPA proposes to introduce a new optional TOU rate for large commercial customers under a new Rate Code 294. The new rate would be available starting January 1, 2023, to large commercial customers who have installed a Smart Meter.

With the introduction of this rate, LIPA also proposes to close the existing rate 282/M282 to new or transferring customers, effective January 1, 2023.¹ For the reasons discussed below, the Department recommends that the TOU Rate proposal for large commercial customers be adopted.

The TOU rate structure varies based on time of day, which provides customers with greater incentive to manage their energy usage and its associated cost while simultaneously providing system benefits. More specifically, customers can utilize the new rate pricing structure to alter their usage patterns to take advantage of the discounts offered during super off-peak periods, allowing them to save money, while reducing strain on the electric system during periods of high demand.

LIPA's proposed TOU rate for large commercial customers differs from the current TOU rate offerings in several key areas. The new rate offers a shorter peak period compared to former TOU rates available to large commercial customers. The shorter peak period should enable customers to manage their energy usage more effectively than the existing TOU rate option. Further, the new TOU rate includes time-differentiating charges for both the Delivery Service component and the Power Supply component of customer's bills, while the existing TOU rate for large commercial customers does not include a time-varying power supply charge component. These rates will vary between daily periods that include the peak, off-peak, and super off-peak periods. The off-peak rate is the same as the regular rate for large commercial customers. Customers will then receive a 40 percent discount from this rate during the super off-peak periods and will conversely pay a peak adder, which is approximately 60 percent higher than the off-peak rate during the peak periods. The peak adder is designed to recover the revenue impact on the customer class resulting from the super off-peak discount and will be updated annually using the most recent load research profiles from September 1st to August 31st for Rate Code 281.

Under this new rate, peak times are defined as 3 PM to 7 PM on weekdays, excluding federal holidays, while super off-peak times are defined as 11 PM to 6 AM, each day. All other times are considered off-peak. The proposed peak period of 4 hours is shorter than the existing large commercial time of use rate 8-hour peak period from 12 PM to 8 PM. The new rate will also have three pricing seasons including Summer, Spring and Fall, and Winter. Using seasonal differential pricing is consistent with the

¹ The 282/M282 rate is applicable to Customers who will use the service for non-Residential purposes and meet one of the following requirements: 1) Monthly billed customers that have used 2000 KWH, or more in each of two consecutive monthly billing periods, or 2) Bi-monthly customers that have an electric usage of 4000 KWH or more in two consecutive bi-monthly periods, or 3) If the Authority estimates that the applicants demand is 7 KW or more.

Department's Rate Recommendation in Matter 15-00262.² As stated in the Department's Rate Recommendation, "seasonal rates are designed to further two important regulatory goals: to promote conservation and to align rates to the extent practicable with the cost drivers. For LIPA, summer peak load is a primary factor in Transmission and Distribution (T&D) facilities design and construction."³

In addition to the time differentiating rates for delivery and power supply, the proposed TOU rate also includes a time varying demand charge. During the super off-peak periods, the demand charge will be zero, and will, alternatively, increase during the off-peak and peak periods. Customer's monthly demand will be billed based on the highest measured demand in that month for each period.

The Department supports offering TOU rate options to large commercial customers because residential and small commercial customers already have TOU rate options with similar features to this newly proposed large commercial TOU rate. The Department believes that the proposed TOU rates will benefit both customers and the utility. Customers can potentially save money by modifying their usage patterns. Also, the utility may also see operational benefits as customers shift their usage away from system peak times. For the reasons discussed above, the Department recommends that the TOU Rate proposal for Large Commercial Customers should be adopted.

Smart Meter Opt-Out Fee

LIPA proposes to update its Tariff to accelerate the start date of its AMI manual meter reading fee for its residential customers that have declined to switch to a smart meter (AMI Opt-Out Customers), effective August 1, 2022. Further, it is anticipated that LIPA will update the monthly opt-out fee to \$11.40, or a daily opt-out charge of \$0.38 in its corresponding Tariff Statement. Based on the discussion below, Staff recommends the LIPA Board adopt the proposal to accelerate the start date of its Smart Meter Opt-Out Fee, and that LIPA make the corresponding update to the Tariff Statement.

AMI smart meters provide numerous benefits to both customers and the utility. Among the benefits associated with smart meters are their ability to be read remotely, and to enable two-way information communication and power flow between the utility and customers. Further, they allow the utility to offer additional services including time-based pricing, load control, outage notification, high-use alerts, and web-based

² Matter 15-00262, In the Matter of a Three-Year Rate Proposal for Electric Rates and Charges Submitted by the Long Island Power Authority and Service Provider, PSEGLI LLC, Department Rate Recommendation (issued September 28, 2015) pp. 160-166.

³ Id., p.163.

dashboards for energy management. Finally, AMI smart meters can significantly reduce the utility's operational costs associated with meter reading and help customers save money by allowing them to manage energy consumption in real-time.

Currently, under LIPA's Tariff, the Smart Meter Opt-Out fee would begin on January 1, 2023. The January 1, 2023, date was set in 2017 based on the estimated completion date for full deployment of AMI across Long Island.⁴ PSEG LI's actual smart meter installations have outpaced their original timeline. By September 2021, LIPA completed 95% smart meter deployment; 15 months ahead of schedule. As of May 2022, PSEG LI has installed 1,164,408 smart meters (approximately 97% deployment) and PSEG LI expects to reach 99% deployment by August 2022.⁵ Due to the accelerated deployment, LIPA now proposes to advance the beginning of the Opt-Out fee by five months to August 1, 2022. LIPA states that since PSEG LI has reached near total deployment early, they are already incurring the incremental costs the Opt-Out fee is meant to recover, and as such it is reasonable to implement the fee on August 1, 2022.

Opt-out fees should generally be limited to cost recovery. Staff also recommends LIPA set a monthly opt-out fee of \$11.40 (or a daily opt-out charge of \$0.38) while implementing monthly meter reads. Staff believes this fee is appropriate because it is closely aligned with the average opt-out fee charged by other IOUs of \$11.23. Further, the Commission has consistently authorized reasonable cost-based fees to cover the costs to manually read meters. Also, the Commission has stated that opt-out fees should properly balance opt-out customers' concerns related to AMI with "other customers' interests in achieving optimally efficient utility operations."⁶ Adoption of Staff's proposal, as described above, will provide an optimal balance of AMI Opt-Out customers' concerns and the need to recover the costs of manual meter reads for these customers. Accordingly, the Department recommends that a monthly opt-out fee of \$11.40, or a daily opt-out charge of \$0.38 should be adopted.

Conclusion

The Department reviewed LIPA's proposed modifications and finds the proposed update to the Authority's Tariff regarding the TOU rate and the AMI Opt-Out fee to be generally consistent with Commission Orders, the LRA, and New York's other IOU

⁴ Matter 14-01299, Utility 2.0, U2.0 Long Range Plan 2017 Annual Update (September 8, 2017) p. 19.

⁵ U.2.0 Quarterly Report 2022 Q1 Final v2, dated April 29, 2022.

⁶ Case 14-M-0039, Niagara Mohawk Power Corporation and KeySpan Gas East Corporation, Order Approving Proposed Tariff Amendments (issued June 30, 2014) p. 4.

Tariffs. The Department recommends that in accordance with the foregoing discussion and recommended changes, the Tariff modifications regarding the TOU rate and the AMI Opt-Out fee be adopted by the LIPA Board of Trustees.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rory M. Christian", written in a cursive style.

Rory M. Christian
Chief Executive Officer

CC: Thomas Falcone, LIPA Chief Executive Officer
Bobbi O'Connor, LIPA General Counsel & Secretary to the Board of Trustees
Justin Bell, LIPA VP of Public Policy and Regulatory Affairs
David C. Lyons, PSEG LI Interim President and Chief Operating Officer
Carrie Meek Gallagher, DPS LI Director
Nicholas Forst, DPS LI Counsel
Peter Hilerio, DPS LI Counsel

2 LONG ISLAND POWER AUTHORITY
-----X

3

4 TARIFF AND RULEMAKING PUBLIC COMMENT SESSION

5

6 -----X

7 Date: June 27, 2022

8 Time: 10:03 A.M.

9

10 B E F O R E :

11 JUSTIN BELL,

12 Vice President of Public Policy and

13 Regulatory Affairs

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2 **P R O C E E D I N G S**

3 MR. BELL: Good morning, everyone. Welcome
4 to today's public comment session. My name is
5 Justin Bell and I'm here today on behalf of LIPA,
6 joined by Jason Horowitz and Elisa Rodriguez.

7 The purpose of this session is to receive
8 public comments on three proposals to modify LIPA's
9 tariff which are listed on slide two. And one
10 rule-making proposal to modify LIPA's Freedom of
11 Information Law or FOIL procedures.

12 A complete set of tariff and rulemaking
13 proposals is available on our proposed rulemaking
14 webpage and is incorporated into the record of this
15 hearing.

16 In a moment, I will summarize these three
17 tariff proposals and then I will turn it over to
18 Jason to summarize the FOIL proposal. After these
19 brief presentations, we will call on folks who
20 signed up to make comments.

21 If you want to speak but haven't yet signed
22 up, please send an email to
23 Tariffchanges@LIpower.org; indicating your name and
24 the organization that you're speaking on behalf of,
25 if any.

2 And you may also use the Zoom chat to sign
3 up to speak. And when you're called, please do
4 remember to unmute yourself.

5 And please note that today's session is
6 being recorded. A full transcript of your comments
7 will be provided to LIPA's Board of Trustees and
8 executive committee for our consideration prior to
9 the next board meeting, when the Board will be
10 voting on these proposals.

11 Your comments are also provided to the
12 Department of Public Service, to LIPA staff and to
13 PSEG Long Island for their review and
14 consideration. As the purpose of the hearing today
15 is to receive your comments, we will not be
16 responding to comments or questions at the hearing
17 today. The comments or questions may also be sent
18 in writing to the same email address which is again
19 "tariffchanges" -- all one word -- "@LIpower.org"

20 And any written comments may be submitted
21 any time between now and Monday, July 11th.
22 Although, we do always appreciate receiving your
23 comments, earlier than later.

24 So now let's turn to the first tariff
25 proposal.

2 If you could advance to the next slide
3 please.

4 The first tariff proposal is for a new time
5 of use rate option for commercial customers. In
6 2018, LIPA and PSEG Long Island began executing a
7 longterm plan to modernize electric rates, enabled
8 by a territory-wide deployment of advanced metering
9 infrastructure, otherwise known as Smart Meters.

10 The objectives of this initiative are to
11 offer customers rate options that are simple to
12 understand and easy to compare to create
13 opportunities for customers to save money on their
14 electrical bills and to lower costs for all
15 customers by encouraging more efficient use of the
16 electric grid and reducing peak usage.

17 TOU rates, as they're also known, can also
18 help enable a cost-effective transition to clean
19 energy, as the high portion of the electricity on
20 the grid during peak times tends to come from
21 fossil fuel-powered resources. And reducing our
22 peak may enable LIPA to close fossil fuel-powered
23 peaking generation earlier than would otherwise be
24 possible.

25 In 2020, LIPA approved new TOU rate options

2 for residential customers and small businesses.
3 The new TOU option proposed today continues to
4 expand the availability of new TOU rates. This
5 time, focused on the medium to large commercial
6 customers, specifically with those -- with demand
7 between 7 kilowatts and 145 kilowatts.

8 Following best practices in rate design,
9 this new option features a shorter peak period
10 which is four hours compared to the existing option
11 of eight hours. This rate option also features a
12 super off-peak period from 11:00 p.m. to 6:00 a.m.
13 during which time energy will be priced at
14 60 percent of standard rates and there will be no
15 charge for demand. We estimate that 75 percent of
16 eligible customers could save money on the new rate
17 based on their existing usage.

18 I'll now turn to the second tariff proposal
19 which is to create a cost reconciliation for
20 payments in lieu of taxes, also known as pilots in
21 the transmission and distribution system.

22 LIPA is obligated to make pilot payments to
23 local governments based on these T and D
24 properties. We currently estimate these taxes and
25 include our estimates and annual budgets and rates,

2 but actual tax liabilities can differ from
3 estimates.

4 The proposal today would ensure that only
5 the actual amount of property tax pilots paid by
6 LIPA is recovered in rates and any shortfall in
7 pilot expenses or any excess pilot savings would be
8 reconciled in the following year through an
9 existing rider, called the delivery service
10 adjustment, which appears as a percentage of the
11 delivery charges on customer bills.

12 The advantage of the proposal is that it's
13 the lowest cost option for recovery of these
14 uncertain and sometimes unknown property tax
15 liabilities.

16 Now let's turn to our third tariff
17 proposal, which is to update the manual meter
18 reading feed provisions in the tariff. As
19 background, PSEG Long Island did complete the
20 deployment of Smart Meters ahead of schedule. The
21 manual meter reading fee opt out -- for opt outs
22 was scheduled to begin on January 1, 2023.

23 However, in light of the early completion
24 of deployment, we are proposing to modify the
25 tariff to begin this monthly fee in August 2022.

2 The reason for the fee is simple: Smart Meters
3 save millions of dollars for customers and meter
4 reading costs, including things like labor and
5 fuel. And so when customers choose to have their
6 meters read manually, it does raise costs on other
7 customers and so to offset that, we put in place
8 this manual meter reading fee, similar fees have
9 been put in place by utilities across the state and
10 nation who have deployed Smart Meters. The fee is
11 set to be 11.50 a month or around 38 cents a day.
12 And that is set to be equal to the average cost of
13 reading the meter. So again, this begins
14 August 22nd.

15 And I will now turn it over to Jason
16 Horowitz to discuss the FOIL proposal and then when
17 he's finished, we will be opening the floor for
18 public comments.

19 MR. HOROWITZ: Thank you, Justin.

20 Good morning, I'm Jason Horowitz, assistant
21 general counsel at the Long Island Power Authority.
22 I will briefly discuss the proposed changes to
23 LIPA's Freedom and Information Law, FOIL
24 regulations.

25 LIPA proposes to update its regulations for

2 filing FOIL requests to conform with FOIL statutory
3 provisions, regarding the collection of fees for
4 copying and producing records.

5 New York's FOIL Statute, Article 6 of the
6 Public Officers Law, requires that LIPA promulgate
7 rules and regulations in conformity with those
8 provisions pertaining to the availability of
9 records and procedures to be followed.

10 LIPA's current regulations were promulgated
11 in 1994, prior to its acquisition of the
12 transmission and distribution system. This
13 proposal seeks to advise those regulations to make
14 technical corrections regarding the methods by
15 which FOIL requests may be filed and to amend
16 existing fees that may be collected for copying of
17 records. LIPA's proposed changes will not effect
18 the public's rights to access information.

19 Specifically, LIPA proposes the following
20 amendments to its FOIL regulations:

21 First section, 1050.1, would be updated to
22 provide LIPA's current business headquarters at 333
23 Earle Ovington Boulevard in Uniondale.

24 Second section, 1050.2, subdivisions A and
25 B would be amended to update LIPA's address and to

2 add a notice that the public may request records
3 through LIPA's website using the New York State's
4 open FOIL online platform. The subsection will
5 also remove the requirement for a self-addressed
6 envelope and prepaid postage when mailing a request
7 for records because of the general availability of
8 email and other forms of electronic communications.

9 The proposed modifications of this section
10 would also designate LIPA's general counsel as
11 LIPA's records access officer and to clarify that
12 the records held on LIPA's behalf by a service
13 provider are also subject to FOIL.

14 Third section, 1050.4, would modify the
15 existing provisions regarding the collection of
16 fees by LIPA for copying records to better conform
17 with the FOIL statute. As is LIPA's current
18 practice, fees are not charged, nor collected from
19 customers seeking copies of their own account
20 records which are typically available in digital
21 format and easily transmitted via email or other
22 methods.

23 For all others requesting records, the
24 regulation would be amended to conform to the fee
25 collection provisions of FOIL which permits

2 collecting the actual cost of reproducing records.

3 Finally, a couple of housekeeping changes.
4 Section 1050.5, would correct the title of LIPA's
5 administrative appeals officer in cases involving a
6 denial of records and LIPA's present address where
7 appeals may be filed.

8 LIPA also proposes to delete subsection C,
9 which merely restates FOIL's provision regarding
10 judicial hearing of a denial of records pursuant to
11 Article 78 of the New York State CPLR.

12 As a final point, this proposal also seeks
13 to address the concerns raised by various
14 stakeholders relating to the proposed notice of
15 rulemaking, originally filed in September 2021.

16 And most notably, LIPA now proposes no
17 changes to the definition of trade secrets and will
18 not require an appointment for those looking to
19 make a FOIL request in person. Together with the
20 SAPA notice, LIPA filed a description of those
21 concerns received in response to the September 2021
22 notice of proposed rulemaking which specifically
23 sets forth those concerns in the proposed changes
24 for this rulemaking.

25 Next slide.

2 LIPA has provided a fact sheet on these
3 proposed changes, which link is shown on the
4 accompanying slides.

5 With that background, I will turn the
6 comment session back over to Justin Bell before we
7 open for public comments. Thank you.

8 MR. BELL: Great thanks, Jason.

9 We will now open the floor for public
10 comments.

11 And Elisa, could you go ahead and read the
12 names of any speakers we have today.

13 MS. RODRIGUEZ: Sure. Just one moment.
14 Okay. Currently we do not have anyone that has
15 their hand raised. But if someone would like to
16 comment, they can go ahead and do that. There's a
17 feature, if you could just raise your hand then I
18 could advance them and allow them to speak.

19 Okay. Just one moment. We do have someone,
20 Larry Michael Rendon. Just one moment.

21 Okay. Larry, whenever you're ready to
22 speak, you can go and ahead and unmute and provide
23 your comments.

24 MR. RENDON: Okay. First of all, I would
25 just like to thank you for inviting me.

2 I have a major problem with PSEG and some
3 of their tactics and especially about the Smart
4 Meter change. I really think that everybody is
5 kind of really rushed into this. I mean, to me, I
6 work with technology all the time and the thing
7 that really gets me is that when you have PSEG,
8 which the public really does not trust, and with
9 good reason from the track record. They're saying
10 that they test these meters for accuracy.

11 Well, I'm also the president of the
12 Longwood Chamber of Commerce. And I spoke to
13 everybody who has gotten these Smart Meters, and
14 everyone's bill has gone up miraculously \$60 to 80
15 more. Now, why is that?

16 I really think there should be independent
17 testing of these Smart Meters. I think LIPA is
18 pushing the envelope a little too fast and I think
19 you should stick with the January 2023 and allow
20 people more research on this to be done. There are
21 certain people that have health conditions, that if
22 their RF meter is close to them, they have a
23 pacemaker, it could cause a problem. Nobody has
24 addressed this medical issue yet.

25 All we keep hearing from PSEG is that

2 they're 100-percent safe, everything is fine. You
3 know, like the mayor of "Jaws," it's a beautiful
4 day, the beaches are open. I'm not buying it.

5 The secondary thing is the fee. I get a
6 letter here, stating that the fee is going to be
7 16.50 a month for people who don't sign up or who
8 don't want the Smart Meter. You guys are telling
9 us that it's going to be like 11.50. Either way,
10 it's 138 a year for the customer or \$198 a year.

11 Now, look at the economy that we're in.
12 Look what's going on with oil and inflation and now
13 here comes PSEG and LIPA and saying hey, you don't
14 want the meter, we're just going to add more money
15 on to it. You already have a program where people
16 can read their own meters. Okay.

17 Why are you pushing this? To me, it sounds
18 like a money grab. I know all about the debt that
19 both LIPA and PSEG have, the tax thing that's going
20 on with Riverhead and some of the other towns and
21 this to me just seems like a money grab.

22 Now, LIPA -- some of the people on the
23 Board I believe are very hard working and trusting,
24 but the company you're dealing with, PSEG, is not.
25 And you really have to turn around and look at

2 this. The public opinion on PSEG is horrible,
3 absolutely horrible after what happened with the
4 storms, people didn't forget that. And now PSEG is
5 coming over, all nice and friendly, and saying oh,
6 look, we're going to put the Smart Meter on, you're
7 going to get a higher bill. Okay. And if you
8 don't do it, you're still going to get a higher
9 bill because we're still going to charge you.
10 Where's the freedom of choice in this?

11 Now, if I choose not to get the meter --
12 okay -- that's my choice. But you're saying well,
13 we're going to penalize you for making that choice.
14 Just like freedom of speech, you can say whatever
15 you want and you have that freedom as long as I
16 agree with you. If I don't agree with you, then we
17 have a problem. We need to bring this back.

18 All right. Members of the Board, please,
19 put this off to January 2023 as you originally
20 planned. I know you wanted to jump ahead but
21 there's more research, more things have to be done
22 with this for the public before this continues on.
23 We are already paying the highest rates in the
24 nation and it's not stopping, it's not getting
25 better.

2 I mean, considering what's happening in
3 Washington, the price of gasoline, fossil fuels,
4 everything like that. I know that LIPA has made
5 inroads with solar energy and both of the forms of
6 green energy, but it's not enough.

7 And the problem is, the technology is not
8 there yet. We're pushing technology too quick. It
9 breaks down, it has problems. You don't believe
10 me, anybody that's got Windows 10, take a look.
11 All right. You really need to go a little bit
12 slower with this.

13 I understand the issues that the Island is
14 facing, but we must slow down. This technology --
15 we don't know. We're going by what somebody else
16 said to us -- all right -- they're saying, well,
17 other people have had the Smart Meters. We don't
18 know these things over time, just like the COVID
19 vaccine. We don't what's going to happen over
20 time.

21 So I'm asking for six months to do a little
22 bit more review, a little bit more research and
23 have an independent company check these as Smart
24 Meters because I do not trust PSEG and I'm not
25 alone. I spoke to other businesses and

2 customers -- all right -- I've been -- I have a TV
3 studio, I've been on Cablevision for 25 years and
4 2,000 shows, I've been through a lot -- a lot of
5 people. I do government access and medical work,
6 and I can tell you, everyone I spoke to all said
7 same thing; they do not trust PSEG.

8 And LIPA, people look to you as the
9 regulating body to control this monster, PSEG. And
10 if LIPA is not going act in the interest of the
11 people, then the people are going to despise them
12 also and I don't think you want that.

13 I mean, I know some of the people on the
14 Board, they're good, honest people and I would hate
15 to see that type of public appearance that they
16 have with people, you know, be changed.

17 So I'm asking again, please hold off, wait
18 the six months. January is around the corner,
19 maybe the economy will get a little bit better,
20 things will look a little bit better for people.
21 There are senior citizens out there who have no
22 idea what this thing is. They have no idea --
23 someone comes to the door, says they're PSEG, they
24 don't believe them because of all the crime and
25 other things that are happening. And they leave

2 the meter and then they can't understand, they're
3 on a budget, why my -- why my bill went up so much
4 more money.

5 So please, Members of the Board, please
6 reconsider this -- reconsider this price. And if
7 you can, there's some way to modify people doing
8 their own meter readings which would again, be a
9 savings to PSEG. Maybe that's the route that we
10 should take.

11 And I want to thank you all for your time
12 and listening to me.

13 MR. BELL: Thank you very much, sir. These
14 comments will be shared with the Board and
15 executive committee and you may also submit written
16 comments if you prefer by July 11th.

17 And we typically don't respond to comments,
18 but I did just want to clarify one point. Because
19 you brought up the fact that there was a letter
20 sent, indicating that the fee would be 16.50. That
21 is an outdated number, based on feedback that we
22 received from the Department of Public Service and
23 their review. We have revised the fee downward, so
24 11.50 is the revised fee.

25 But thank you again for your comments. We

2 really appreciate your engagement here today.

3 And there will be another comment session
4 this evening at 6:00 p.m.

5 Elisa, do we have anyone else signed up to
6 comment today?

7 MS. RODRIGUEZ: Not at the moment.

8 MR. BELL: Okay. So again, folks, feel
9 free to raise your hand in the Zoom. If you want
10 to comment or send us a note to:
11 Tariffchanges@LIpower.org.

12 And this session will be held open until
13 11:00 a.m. today and we will go off camera and go
14 on mute while we wait for additional commenters to
15 arrive.

16 So we can also go off the record if the
17 Court Reporter would like to go off the record and
18 we'll reopen the record when we get additional
19 commenters.

20 Okay. Speak to you all soon.

21 (Recess.)

22 MR. BELL: I've been informed that the
23 Court Reporter has now joined. We have no
24 registered speakers that have signed up to speak at
25 this point so we will be adjourning this hearing.

2 Please note that we have another session tonight at
3 6:00 p.m. So I will close out this hearing and
4 thank everyone for attending.

5 (Whereupon, at 11:00 a.m. the above matter
6 concluded.)

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2 C E R T I F I C A T E

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4 STATE OF NEW YORK)
5 COUNTY OF RICHMOND) : SS.:

6

7 I, MADELINE TAVANI, a Notary Public for and
8 within the State of New York, do hereby certify:

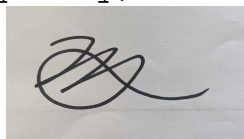
9 That the above is a correct transcription
10 of my stenographic notes.

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

15 IN WITNESS WHEREOF, I have hereunto set my
16 hand this 7th day July, 2022.

17

18



MADELINE TAVANI

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2 LONG ISLAND POWER AUTHORITY

3 -----X

4 TARIFF AND RULEMAKING PUBLIC COMMENT SESSION

5 -----X

6 Date: June 27, 2022

7 Time: 6:00 P.M.

8

9 B E F O R E :

10 JUSTIN BELL,

11 Vice President of Public Policy and

12 Regulatory Affairs

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2 **P R O C E E D I N G S**

3 MR. BELL: Good evening. Welcome to
4 today's public comment session. My name is Justin
5 Bell and I am appearing today on behalf of LIPA
6 together with Jason Horowitz.

7 We have no one signed up to speak and we
8 will hold the meeting open until 6:30.

9 (The following presentation was physically
10 inserted into the record.)

11 The purpose of this session is to receive
12 public comments on three proposals to modify LIPA's
13 Tariff-listed on slide 2-and one rulemaking
14 proposal to modify LIPA's Freedom of Information
15 Law (or FOIL) procedures. The complete set of
16 tariff and rulemaking proposals is available on our
17 proposed rulemaking page, and is incorporated into
18 the record of this hearing.

19 In a moment, I will summarize the tariff
20 proposals. Then I will turn it over to Jason
21 Horowitz to summarize the FOIL proposal. After
22 these brief presentations, we will call on folks
23 who signed up to make comments. If you want to
24 speak but haven't yet signed up, please send an
25 email to tariffchanges@lipower.org indicating your

2 name and the organization you're speaking on behalf
3 of (if any). You may also use the zoom chat to
4 sign up to speak. When you're called to speak,
5 please remember to unmute yourself. Please note
6 that today's session is being recorded.

7 A full transcript of your comments will be
8 provided to LIPA's Board of Trustees for their
9 consideration prior to the next Board meeting, when
10 they will be voting on these proposals. Your
11 comments are also provided to the Department of
12 Public Service, LIPA Staff, and to PSEG Long Island
13 for their review and consideration.

14 As the purpose of this hearing is to
15 receive your comments, we will not be responding to
16 comments and questions at today's hearing.
17 Comments and questions may also be sent in writing
18 to the same email address
19 (tariffchanges@lipower.org). Any written comments
20 may be submitted any time between now and Monday,
21 July 11.

22 Now let's turn to the first tariff
23 proposal, which is for a new time-of-use rate
24 option for commercial customers. In 2018, LIPA and
25 PSEG Long Island began executing a long-term plan

2 to modernize electric rates, enabled by
3 territory-wide deployment of advanced metering
4 infrastructure (otherwise known as "smart meters").
5 The objectives of the rate modernization initiative
6 are to:

7 Offer customers rate options that are
8 simple to understand and easy to compare.

9 Create opportunities for customers to save
10 money on their electric bills.

11 And to lower costs for all customers by
12 encouraging more efficient use of the electric grid
13 and reducing peak usage.

14 TOU rates can also help enable a
15 cost-effective transition to clean energy, as a
16 higher portion of the electricity on the grid
17 during peak times tends to be from fossil-fuel
18 powered resources, and reducing peak may enable
19 LIPA to close fossil-fuel powered peaking
20 generation units earlier than would otherwise be
21 possible.

22 In 2020, LIPA approved new TOU rate options
23 for residential customers and small businesses.
24 The new TOU option proposed today continues to
25 expand the availability of new TOU rates, this time

2 focused on medium-to-large commercial customers,
3 specifically those with demand between 7 kW and 145
4 kW.

5 Following best practices in rate design,
6 this new option features a shorter peak period,
7 which is 4 hours compared to the existing option of
8 8 hours. This rate option also features a
9 super-off-peak period from 11pm to 6am, during
10 which time energy will be priced at 60% of standard
11 rates and there will be no charge for demand.
12 We estimate that over half of eligible customers
13 could save money on the new rate based on their
14 existing usage.

15 I'll now turn to the second tariff
16 proposal, which is to create cost reconciliation
17 for payments in lieu of taxes (also known as
18 PILOTs) on the transmission and distribution
19 system. LIPA is obligated to make PILOT payments
20 to local governments. We currently estimate these
21 taxes for inclusion in annual budgets and rates,
22 and actual tax liabilities can differ from the
23 estimates.

24 The proposal would ensure that only the
25 actual amount of property tax PILOTs paid by LIPA

2 is recovered in rates. Any shortfall in PILOT
3 expenses or any excess PILOT savings would be
4 reconciled in the following year through an
5 existing rider, called the Delivery Service
6 Adjustment. The advantage of the proposal is that
7 it is the lowest cost option for recovery of
8 uncertain and unknown property tax liabilities.

9 Manual Meter Reading Fee Update

10 Let's turn to our third tariff proposal, which is
11 to update the manual meter reading fee provisions
12 of the tariff. The manual meter reading fee will
13 begin on August 1, 2022 and will be \$11.50 per
14 month, which is calculated based on the utility's
15 average cost of reading meters, including labor and
16 fuel.

17 I'll now turn it over to Jason Horowitz to
18 address the FOIL proposal. Jason?

19 MR. HOROWITZ: Thank you, Justin.

20 Good evening, I am Jason Horowitz,
21 Assistant General Counsel at the Long Island Power
22 Authority. I will briefly discuss the proposed
23 changes to LIPA's Freedom of Information Law, FOIL,
24 regulations.

25 LIPA proposes to update its regulations for

2 filing FOIL requests and to conform with FOIL's
3 statutory provisions regarding the collection of
4 fees for copying and producing records. New York's
5 FOIL statute, Article 6 of the Public Officers Law,
6 requires that LIPA promulgate rules and regulations
7 in conformity with those provisions pertaining to
8 the availability of records and procedures to be
9 followed.

10 LIPA's current regulations were promulgated
11 in 1994, prior to its acquisition of the
12 transmission and distribution system.

13 This proposal seeks to revise those
14 regulations to make technical corrections regarding
15 the methods by which FOIL requests may be filed and
16 to amend existing fees that may be collected for
17 copying of records.

18 LIPA's proposed changes will not affect the
19 public's right to access information.

20 Specifically, LIPA proposes the following
21 amendments to its FOIL regulations:

22 First, Section 10050.1 would be updated to
23 provide LIPA's current business headquarters at 333
24 Earle Ovington Boulevard in Uniondale.

25 Second, Section 10050.2, subdivisions (a)

2 and (b) would be amended to update LIPA's address
3 and add a notice that the public may request
4 records through LIPA's website using New York
5 State's Open FOIL on-line platform. The subsection
6 would also remove the requirement for a
7 self-addressed envelope and pre-paid postage when
8 mailing a request for records because of the
9 general availability of email and other forms of
10 electronic communications. The proposed
11 modifications of this section would also designate
12 LIPA's General Counsel as LIPA's Records Access
13 Officer, and to clarify that records held on LIPA's
14 behalf by its service providers are also subject to
15 FOIL.

16 Third, Section 10050.4 would modify the
17 existing provisions regarding the collection of
18 fees by LIPA for copying records to better conform
19 with the FOIL statute. As is LIPA's current
20 practice, fees are not charged nor collected from
21 customers seeking copies of their own account
22 records which are typically available in digital
23 format and easily transmitted via email or other
24 methods. For all others requesting records, the
25 regulation would be amended to conform to the

2 fee-collection provisions of FOIL, which permits
3 collecting the actual cost of reproducing records
4 Finally, a couple of housekeeping changes, section
5 10050.5(b) would correct the title of LIPA's
6 administrative appeals officer in cases involving a
7 denial of records and LIPA's present address where
8 appeals may be filed. LIPA also proposes to delete
9 sub-division (c), which merely restates FOIL's
10 provision regarding judicial hearing of a denial of
11 records access pursuant to Article 78 of the New
12 York CPLR.

13 As a final point, this proposal also seeks
14 to address the concerns raised by various
15 stakeholders relating to the proposed Notice of
16 Proposed Rulemaking originally filed in September
17 2021. Most notably, LIPA now proposes no changes to
18 the definition of "trade secrets", and will not
19 require an appointment for those looking to make a
20 FOIL request in person. Together with the SAPA
21 notice, LIPA filed a description of concerns
22 received in response to the September 2021 notice
23 of proposed rulemaking, which specifically sets
24 forth those concerns and proposed changes for this
25 rulemaking.

2 LIPA has provided a fact sheet on these
3 proposed changes, which link is shown in the
4 accompanying slides.

5 With that background, I will turn the
6 comment session back over to Justin Bell before we
7 open for public comments. Thank you.

8 MR. BELL: We will now open the floor for
9 public comments. If anyone would like to speak,
10 please raise your hand or notify us in the chat.

11 It is now 6:30pm, and I'll note for the
12 record that we have received no comments.

13 Members of the public may also submit
14 comments in writing, which will be accepted through
15 Monday, July 11th. Please email comments to
16 tariffchanges@lipower.org.

17 The time is now 6:30 p.m. We have not
18 received any requests for people to speak, so
19 therefore this concludes today's public comment
20 session. We are now adjourned.

21 (At 6:30 p.m., the proceedings were
22 concluded.)

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