

Regulatory Decisions Made in New York

How the Public Communicates
with the Commission.

The Energy Regulatory Office of Kosovo
November 3, 2011

Regulatory Functions

Accounting & Finance

Ratemaking

Financial Transactions

- Issue Debt
- Capital Structure
- Corporate Reorganizations
 - Mergers
 - Acquisitions

Books and Records

Accounting Systems

Customer Services

Customer Service Standards

Customer Complaints

Customer Bills

Customer Protections

Consumer Policies & Practices

- Low Income
- Elderly
- Disabled

Engineering

Rate Designs and Tariffs

Utility Plant and Facilities

Construction Budgets

Reliable Electricity Standards

Natural Gas Pipeline Safety

Wholesale Market Structure & Operations

Storm Preparation & Restoration

Electric & Natural Gas System Planning

Environmental Matters

Long Range Energy Planning

Energy Efficiency Improvements

Renewable Energy Sources

Demand Side Management at Peak Times

New Electric Transmission Lines

New Natural Gas Pipelines

New Electric Generation Plants

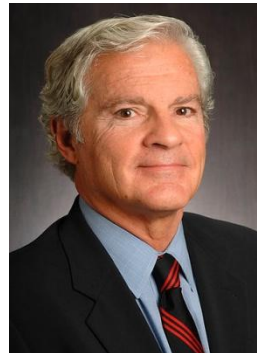
All Decisions are Made by the Chairman and the Public Service Commission



- Chairman
 - Chief Executive Officer



- Commissioners
 - Appointed by the Governor
 - Confirmed by the State Senate
 - Each Serves A 6-Year Term



Chairman Brown

Public Service Commission

Commissioner Acampora
Commissioner Curry
Commissioner Harris
Commissioner Larocca

(Political Appointments)

Department of Public Service

Chairman's Deputies
Directors of Offices
Managers/Chiefs

(Civil Servants)

Professional Offices

Engineers
Accountants
Financial Experts
Economists
Energy Efficiency Specialists
Environmentalists
Lawyers
Consumer Representatives

Informal Decision Making

(No hearing is required.)

- Filings, Applications & Petitions Received.
- SAPA Process (State Administrative Procedures Act)
 - Notice published in the State Register
 - Public comments may be received
 - Delay action by 45 days after publication
- Assignments made to an Office(s) for review and processing.
 - Staff will confer with an applicant/petitioner
 - Additional information may be requested
 - May seek modifications and changes
 - Staff will review comments received
 - Session items are reported to the Commission
- The Commission takes action and decides.
 - At an meeting open to the public
 - On a formal record
 - Session Items are discussed among the Commissioners
(some “consent” items are not discussed)
 - Votes are taken to adopt the Staff recommendations

Formal Decision Making

(A Hearing is Required.)

➤ A hearing may be required by law

Statutory Requirements: -Rate Cases

-New Transmission Lines, Natural Gas Pipelines &
Electric Generation Facilities

➤ The Commission may decide to hold a hearing

Commission Discretion: - Generic Policy Case

(Current Example: Manufactured Gas Sites Clean-Up)

➤ An Administrative Law Judge is assigned to the case

- Establish a Schedule

- Conduct a Public Statement Hearing

The public is invited to make statements.

- Conduct an Evidentiary Hearing

Testimony is received from expert witnesses provided by the utility company, our “trial” staff and any outside parties/intervenors.

- The Judge Prepares a Recommended Decision

Lawyers provide briefs addressing facts and containing arguments,

Formal Decision Making – Continued

(A Hearing is Required.)

- **Advisory Staff evaluates issues and offers advice**
 - Advisory staff meets with the Chairman and Commissioners.
 - Advisory staff provides opinions and recommendations

- **Commission renders decision from a formal record**
 - At an open meeting
 - On a formal record
 - Session items are discussed among the Commissioners
 - Votes are taken to adopt the Staff recommendations

Formal Decision Making Without a Trial

Alternative Dispute Resolution (ADR)

also known as

Stakeholder Collaboratives

- Problem Solving Process - Diplomacy and Open Discussion
- Consensus Building Process - Remove Barriers to Good Communications
- Convene Meetings and Invite Stakeholders
- Provide a Facilitator - Staff Member Trained in ADR
- Work Together on a Written Agreement – Joint Proposal
- Submit Agreement to the Commission for Adoption/Approval

Coffee Break ?



Chairman & Commissioner Communications

Outside of Informal and Formal Proceedings

- Advisory Staff – For Professional and Technical Information
 - To Implement and Execute Chairman & Commission Actions
- Governor's Office – For the Chief Executive's Policy Directions
- Legislature – For Information Needed for Pending Legislation
 - To Address Public Issues and Constituent Concerns
- Utility Companies – Overall Oversight/General Supervision
- Other State Agencies – Energy Related Matters
 - New York State Energy Research & Development Authority (NYSERDA)
 - Department of Environmental Conservation
- Press – External Affairs Office ([Jim Denn and Anne Dalton](#))
- Public Groups/Interest Groups/Trade Groups – Policy Speeches
- Customers – Office of Consumer Services (complaints)
 - Office of Consumer Policy (programs)

Chairman & Commissioner Communications (continued)

➤ Federal Government Agencies & Federal Programs

- Federal Energy Regulatory Commission
- New York Independent System Operator

➤ Other State Regulatory Agencies

- National Association of Regulatory Utility Commissioners (NARUC)