



October 14, 2020

Chairman John B. Rhodes  
New York Public Service Commission  
90 Church Street  
New York, NY 10007

**Re: Con Edison Work Halt for Distributed Generation Project Inspections, Meter Installations and Witness Tests**

Dear Chair Rhodes:

The COVID-19 pandemic has created unprecedented challenges throughout New York State, and NYSEIA wishes to express our profound gratitude to the Public Service Commission and your hard-working staff at the Department of Public Service for your leadership and diligence in addressing this public health and economic crisis as it pertains to the electric sector as well as the solar energy and energy storage industries in New York.

Through feedback provided by several of its New York City-based member firms, NYSEIA has been informed that as of October 13, Con Edison will not be performing any indoor final inspections, witness tests or meter installations for distributed solar and storage installations in residential buildings in certain localities in its service territory due to concerns over the rise of COVID-19 in these areas, which encompass large swathes of Brooklyn and Queens.

While NYSEIA and its members consider worker safety to be of paramount priority amidst the ongoing pandemic, Con Edison's decision to halt work for distributed generation projects raises significant concerns for New York City's solar and storage industries on several fronts:

1. New York City remains reopened for Phase One business activity, including construction, under which category the currently halted activities would fall under. Other business, including New York City-based solar and storage companies continue to serve their residential customers throughout the five boroughs while still prioritizing worker safety by following well-established safety practices including the use of personal and protective

equipment (PPE), maintaining social distancing, and frequent sanitation. As a matter of consistency, electric utilities in general and Con Edison specifically should be held to the same state-established reopening and safety standards as other sectors and non-monopoly businesses.

2. Con Edison has not provided any information to its distributed generation customers as to what criteria or thresholds it is using to base its decision regarding the above work stoppages or the resumption of such work.
3. With the potential for the further spread of COVID-19 over the fall and winter seasons, Con Edison's unilateral decision to halt work in spite of New York City's Phase One reopening status and the status quo absence of clarity around the resumption of such work could lead to solar and storage installations essentially ceasing for an indefinite period of time, which in turn would cause significant economic damage to New York City's distributed generation industries, as well as their customers, as such projects cannot be energized without utility inspection, witness testing, and meter installation. Further compounding the economic damage is the fact that such systems cannot avail of either the federal Investment Tax Credit (ITC), the New York City Property Tax Abatement (PTA) and NYSEIDA's NY-Sun incentives without being granted Permission to Operate (PTO) by the electric utility by year-end, which utilities including Con Edison grant only upon completion of the currently halted activities.

For the above reasons, NYSEIA, on behalf of its New York City-based member firms, respectfully requests the Commission order Con Edison to take the following actions:

1. Con Edison should resume, with established COVID-19 safety best-practices, inspections, meter installations and witness testing for distributed generation customers where currently halted in keeping with the Phase 1 reopening status of New York City, under which category such business activities would fall;
2. Any halt in the above activities by Con Edison should only be implemented in accordance with the reversal of the Phase One reopening of New York City;
3. Any halt in the above activities by Con Edison, if authorized by the Commission, should detail the relevant criteria and thresholds relating to these criteria for the stoppage and a clear plan for the resumption of such work;
4. In cases in which inspections and approvals are completed (either virtually or in person), Con Edison should issue PTO independent of meter installation, so that a delay of the meter installation due to halt of work shall not negatively impact the contractor's ability to complete out a project in accordance with set contractual and statutory milestones concerning the ITC, PTA and NY-Sun incentives, as is allowed in surrounding states such as New Jersey.

On behalf of New York City's solar energy and energy storage developers and installers, NYSEIA thanks you for considering these requests. Please contact NYSEIA Executive Director Shyam Mehta at shyam@nyseia.org with any questions about these requests.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Shyam Mehta", written in a cursive style.

Shyam Mehta, Executive Director  
New York Solar Energy Industries Association (NYSEIA)

cc: The Honorable Andrew M. Cuomo