

1 STATE OF NEW YORK
2 PUBLIC SERVICE COMMISSION

3 In the Matter of the Petition

4 of:

5 Case 06-E-0894 - Proceeding on Motion of the
6 Commission to Investigate the Electric Power
7 Outages in Consolidated Edison Company of New
8 York, Inc.'s Long Island City Electric
9 Network.

10 Public School 234
11 30-15 29th Street
12 Astoria, New York

13 Thursday, August 3, 2006
14 6:00 p.m.

15 PRESIDING:

16 WILLIAM FLYNN, Chairman

17 JUDITH LEE,
18 Administrative Law Judge

19
20
21
22
23
24
JEANNE O'CONNELL, R.P.R. (518) 271-7904

1 JUDGE LEE: This is a hearing for public
2 comment in case 06-E-0894, Public Service
3 Commission proceeding regarding the
4 investigation of power outages in Con Edison's
5 Long Island City network.

6 I am Chief Administrative Law Judge Judith

7 Lee of the Public Service Commission, and with me
8 is Public Service Commission Chairman, William
9 Flynn, who is presiding over this hearing with
10 me. We are glad to be here tonight to find out
11 how you were affected by the electric service
12 outage that began on July 17th and we're
13 interested in hearing your comments on related
14 questions.

15 CHAIRMAN FLYNN: Very briefly, I would like
16 to follow up with the judge's comments and thank
17 you, each and every one of you, for coming here
18 tonight.

19 I would like to note that we have several
20 elected officials in the audience who I can only
21 imagine have been working tirelessly over the
22 last two to three weeks. Congresswoman Maloney,
23 who was here. I'm sure she still is.
24 Assemblyman Mike Gianaris, State Senator George

JEANNE O'CONNELL, R.P.R. (518) 271-7904

3

1 Onorato, Councilman Peter Valone, Councilman Eric
2 Gioia, and Consumer Advocate Betsy Gotbaum. Have
3 I missed any elected officials? Great.

4 Again, thank you very much for coming. The
5 only comment I would like to make is just that we
6 commenced this investigation on July 26th and I
7 want to assure everyone in this room, as I
8 assured people at the Assembly hearing today, we
9 are committed to working tirelessly--it's the top
10 priority in the Commission at this point--in
11 getting a very good understanding of how these
12 events could have happened in Queens for eight
13 days.

14 This is totally unacceptable and we are
15 going to investigate very thoroughly Consolidated

16 Edison. We are going to expect their complete
17 cooperation. If they don't give it to us we have
18 remedies at our disposal which will make sure
19 that they do give it to us.

20 So, you can rest assured that we will leave
21 no stone unturned as we do this investigation.
22 And please speak up in the microphone and give us
23 your experience because you are the people around
24 when this happened. It's very valuable to the

JEANNE O'CONNELL, R. P. R. (518) 271-7904

4

1 process and for the record that we hear from the
2 community exactly how these outages affected you.
3 It gives us a great indication and a background
4 to put in the context all the other information
5 that we are going to be putting into our
6 investigation.

7 So, again, I am going to get out of the way.
8 I am hear to listen tonight. Again, I thank you
9 for coming and I think our first speaker of the
10 evening is going to be Assemblyman Gianaris.

11 The judge wants to say one more word.

12 JUDGE LEE: I just would like to say one
13 more word. A bit more background before we start
14 tonight.

15 I just wanted to mention to people here--a
16 lot of people know this already--that I am
17 actually quite connected to this neighborhood.
18 My husband grew up here. In fact, his sister is
19 here. My husband and his sister both went to
20 Long Island City high school, the same high
21 school as Assemblyman Gianaris.

22 So, I'm really honored to be here. My
23 daughter went to PS 76. She's also sitting there

24 in the second row very embarrassed that I said

JEANNE O'CONNELL, R. P. R. (518) 271-7904

5

1 that, but I really am honored that the Chairman
2 asked me to preside over this hearing in this
3 neighborhood because it's really a great
4 neighborhood and full of tremendous spirit. It's
5 just a great New York City neighborhood.

6 My sister-in-law taught for 25 years at the
7 PS 30--PS 70, I'm sorry, on 30th Avenue and
8 Steinway Street. It really is quite a
9 neighborhood. Having walked around this
10 afternoon I got again reminded of the flavor of
11 this neighborhood.

12 So, we really do want to hear your comments.
13 We want the record to be as complete as possible
14 as to what your experiences were.

15 As you know, the purpose of the hearing is
16 to get your input. I wanted to mention, for
17 those who are not used to public speaking, we
18 have a reporter sitting up here in the front who
19 is taking down every word. This is a court
20 reporter sitting here. So, if you could speak
21 clearly and slowly in the microphone and allow
22 her to take down your words. The transcript will
23 be available to the staff of the Commission who
24 is doing the investigation, to the public, it

JEANNE O'CONNELL, R. P. R. (518) 271-7904

6

1 will be part of the file, and as soon as staff
2 completes the investigation that they will report
3 to the Commission as to findings and any
4 Commission action would take place after that.

5 I did want to mention there are all
6 different ways for you to make your comments
7 heard. If you have friends who couldn't make the
8 hearing tonight or can't make the four hearings
9 that we have set up next week, August 9th and
10 August 10th, please ask them to send in letters.
11 There are forms in the back that list the
12 questions that we are interested in having you
13 answer. We really encourage you to get as much
14 input to us as possible because it can only help
15 our investigation, as the Chairman said.

16 I did want to mention what the questions are
17 that we are interested in. If you could do us a
18 favor and try to focus on the questions and give
19 us an answer to these questions, that would be
20 most helpful. We know you have a lot to tell us
21 about other issues that are on your mind, but the
22 purpose of this hearing is to investigate this
23 outage and we would like to make this time as
24 useful as possible for the purpose of developing

JEANNE O'CONNELL, R. P. R. (518) 271-7904

7

1 our record.

2 Let's go over the questions so everybody
3 understands and so the record is clear what the
4 questions are. We would like to know how exactly
5 were you affected by the outages. The second
6 question is do you think you received timely,
7 accurate and adequate information from Con Edison
8 or otherwise about what was happening before,
9 during and after the outages? Did you attempt to
10 contact the company for information or assistance
11 immediately before, during or after the outages
12 and did you get what you were requesting?

13 The next question is what are your overall
14 impressions about how the company responded to
15 the outages and what are the reasons for those
16 impressions. We are particularly interested in
17 your recommendations for what action you believe
18 Con Edison should or should not have taken
19 before, during and after the outages.

20 And we would also finally like to know your
21 opinion about what actions the Commission should
22 take in light of all you know about these events.

23 If you have a problem with food spoilage and
24 would like to make a claim for damages, I

 JEANNE O'CONNELL, R.P.R. (518) 271-7904

8

1 understand that Con Edison's van is right outside
2 and you can make those claims tonight if you care
3 to do that. There are also forms on the website
4 that you can get through the Department of Public
5 Service website and the Con Edison website. We
6 encourage you to take advantage of that
7 opportunity either tonight or subsequent to
8 tonight.

9 So, here we are and our goal is to hear from
10 you, and I would like to turn over the microphone
11 to Assemblyman Gianaris.

12 ASSEMBLYMAN GIANARIS: Again, thank you very
13 much. This community, by now as everyone knows,
14 has suffered a great deal over the last three
15 weeks and, in fact, the suffering continues to
16 this day. Many of our businesses are continuing
17 to die without adequate assistance.

18 Con Edison is only offering \$7,000, which
19 doesn't even begin to cover the loss. This is,
20 we found out today at the Assembly hearing, the
21 single longest duration black out in New York

22 City's history. And for Con Ed to be so
23 intransigent about what they are offering in
24 relief is unacceptable.

JEANNE O'CONNELL, R. P. R. (518) 271-7904

9

1 I have the ability to give you my personal
2 experience as well as representing the community
3 because my home was out as of Monday evening the
4 17th. I called Con Edison that night. I got an
5 automated message which did not offer me the
6 opportunity to report the outage. It was an
7 automated message that simply told me they were
8 aware of the outage and then hung up on me.

9 That is a report I have heard from dozens of
10 dozens, if not hundreds of residents of this
11 community, how they tried on the first days of
12 this crisis to report their outages and were
13 unable to. They were unable to connect with
14 anybody and were not given that option.

15 Con Edison says they were relying on these
16 feeder plates to determine the extent of the
17 outage in the first few days. Obviously if they
18 weren't taking the calls they didn't have
19 accurate information.

20 At today's hearing, as the Chairman knows,
21 Kevin Burke essentially admitted that there was
22 data available in terms of the load being used in
23 this network and should have been able to reveal
24 to them that the outage was much more significant

JEANNE O'CONNELL, R. P. R. (518) 271-7904

10

1 than it was, and they were not--either they were

2 hiding that information from the public or they
3 weren't using that information and communicating
4 to everybody.

5 I know one of the questions was how they
6 communicated. I can't imagine a worse
7 communications operation than what happened in
8 the early days of this black out. We were
9 basically abandoned because of the fact that Con
10 Ed was lying to everyone about how many people
11 were affected. The city did not come here with
12 resources and we were largely abandoned to fend
13 for ourselves.

14 To the credit of this community, people took
15 care of each other for those first few days,
16 Monday through Thursday. Thursday the city did
17 arrive with services and we were able to slowly
18 begin getting ourselves back together until the
19 lights went back on.

20 Con Edison goes through this every so often.
21 There were black outs in Washington Heights in
22 1999. The Commission investigated that. There
23 were stray voltage incidents where people are
24 getting electrocuted, and what happens? People

JEANNE O'CONNELL, R. P. R. (518) 271-7904

11

1 yell at them, people get angry at Con Edison, and
2 nothing happens because there is no
3 accountability.

4 This is where the Public Service Commission
5 comes in. I think had there been better
6 oversight when those previous incidents occurred
7 it may have not gotten to this point. So, not
8 only do we feel abandoned by everyone else, but
9 certainly the Public Service Commission played a
10 role in it as well.

11 Going forward, as this entity who has
12 responsibility for investigating this and
13 imposing whatever penalties there would be, I
14 urge you in the strongest possible terms to hold
15 Con Edison accountable for what happened here.
16 Impose penalties and fines on them. Do not allow
17 this to be passed on to the ratepayers because
18 the last thing the people in this community needs
19 is to be paying for the damage that Con Edison
20 caused than they already are.

21 It's a very successful company, billions of
22 dollars, they have plenty of money to be able to
23 compensate people of this neighborhood adequately
24 for what we went through. And hopefully, as your

 JEANNE O'CONNELL, R. P. R. (518) 271-7904

12

1 investigation unfolds, I know it takes several
2 months, but we hope that you don't lose sight of
3 the fact there are people continuing to suffer
4 here to this day and we are counting on you to
5 bring relief that we need here.

6 So, thank you again for being here. Most of
7 all, thank you to everyone in the community who
8 got through this with us.

9 (Applause)

10 JUDGE LEE: Thank you. Our next speaker is
11 Congresswoman Maloney.

12 CONGRESSWOMAN MALONEY: I am going to defer
13 to the Senator from the area and I will follow
14 him.

15 JUDGE LEE: Okay, Senator.

16 SENATOR ONORATO: Good evening. I am State
17 Senator George Onorato from the 12th Senatorial
18 District. I represent this district. I am a

19 member of the Energy Committee on the New York
20 State Senate.

21 I heartily concur with my predecessor,
22 Assemblyman Gianaris. We are getting together so
23 often we are almost saying the words verbatim to
24 one another.

JEANNE O'CONNELL, R.P.R. (518) 271-7904

13

1 I live a few blocks away from Assemblyman
2 Gianaris and I was affected on July 17th, on my
3 anniversary. It was a wonderful day--evening to
4 spend my anniversary losing all our power. I
5 survived the ordeal by providing my next door
6 neighbors, who live alongside me, with dry ice to
7 help them try to preserve a little food they may
8 have had in their freezers. Whatever was in the
9 ice box or refrigerator was all gone. There was
10 no way you were going to keep that stuff fresh
11 for seven to ten days.

12 There was still people out. My biggest
13 gripe is that Con Edison knew about this problem
14 a great many years ago, as the Assemblyman
15 mentioned, in 1999 with the Washington Heights
16 black out. Attorney General Eliot Spitzer made a
17 recommendation to the Con Edison with 13
18 proposals to make sure that the power failures
19 would not occur again.

20 Con Edison claims, they claim without giving
21 us specifics, that they abided by ten of the 13.
22 Now, which of the ten we have absolutely no idea,
23 but in all probability if they did ten, the ten
24 they had addressed had nothing to do with the

JEANNE O'CONNELL, R.P.R. (518) 271-7904

1 power failure and this is why it's been
2 recurring.

3 The system, as I've been going around this
4 community, as I'm sure everyone else has, and
5 watching the poor hard working Con Edison workers
6 in those manholes, every wire that's coming out
7 of the manhole is burnt to a crisp, like ashes
8 they are handling.

9 Con Edison has come out with a measly,
10 measly--they upped it from \$150 to \$350 that they
11 don't have to provide bills for. Now, they don't
12 make any mention at all of small power utilities
13 that people have lost: Fans, public telephones,
14 the cell phones that went out of service. Even
15 in some cases refrigerators and the refreezing
16 units that are worth a heck of a lot more than
17 \$350 for an individual.

18 So, Con Edison, we are talking about Public
19 Service Commission instituting fines, but I want
20 to make sure if any fines are instituted that
21 they don't go into the state coffers as part of
22 the budget item, but they go back directly to the
23 people that are affected by it, that that money
24 goes directly to each and every individual that

JEANNE O'CONNELL, R. P. R. (518) 271-7904

1 had any loss due to this outage.

2 If we have to we are going to introduce
3 further legislation to mandate, make it mandate
4 that the Public Service Commission fulfill their
5 obligation to see to it that the utility
6 companies of this state provide adequate power
7 for the entire state, and by that they have got

8 to start upgrading their entire grid. This power
9 grid that we have today is probably 60- to
10 70-years-old. Nothing in this state lasts that
11 long, especially that every single item that you
12 have in your home is operated electrically.

13 So, we have to update the electrical line
14 and we have got to do it today, not next year or
15 ten years from now until another black out
16 occurs. Thank you.

17 (Applause)

18 CONGRESSWOMAN MALONEY: Thank you very much,
19 Commissioner, for coming here to listen to the
20 people, and hopefully to take steps to correct
21 this and prevent it from happening in the future.

22 I am Congresswoman Carol Maloney. I
23 represent the 14th Congressional District which
24 includes Astoria and other parts of western

JEANNE O'CONNELL, R. P. R. (518) 271-7904

16

1 Queens that were hard hit by this black out, as
2 well as parts of the east side of Manhattan. My
3 office and I was contacted personally from
4 residents in the district I represent. I was not
5 contacted about the black out in Queens from Con
6 Edison. In fact, when we called them we got
7 misleading information, and information that was
8 just dead wrong.

9 First they said it's only a thousand people
10 that are affected. Then they said it's two
11 thousand people that are affected. Then they
12 told my office why are you so upset? Western
13 Queens isn't in trouble, it's really Westchester
14 that has the problem. I said I don't represent
15 Westchester. I am concerned about western
16 Queens.

17 Quickly the 5,000 became 25,000. By the day
18 the Mayor came out with the entire set of
19 Commissioners who brought in more police and
20 health services and sanitation, and we thank them
21 for that, by that time it was a hundred thousand
22 and others from the community have estimated that
23 it's two hundred thousand.

24 My first question to you, Commissioner,

 JEANNE O'CONNELL, R. P. R. (518) 271-7904

17

1 is we are in the 21st century. We can send a man
2 and woman to the moon, yet Con Edison can't tell
3 who's affected by the black out. Where is their
4 system? Where is their accountability? Where is
5 their 21st technology?

6 Obviously in a company that has a \$1.2
7 billion profit this year they are not investing
8 in infrastructure. So, my question is: Are they
9 looking at the next place that's vulnerable and
10 what are they doing to protect our constituents
11 so they don't suffer as they have suffered in
12 primitive, dangerous, life threatening conditions
13 for ten days here in western Queens?

14 On the communications front, Con Edison has
15 been more polite today. I will give them credit
16 that they called my office and informed us
17 roughly at 9 o'clock this morning that there was
18 a fire in the manhole on East 30th Street and
19 that power may be out from 14th Street to 40th
20 Street in Manhattan. That, I appreciate them
21 contacting me and alerting me that there may be a
22 problem. They were going telling businesses to
23 close their doors, to go home to save the power.
24 They should have had the same awareness,

JEANNE O' CONNELL, R. P. R. (518) 271-7904

18

1 sensi ti vi ty and responsiveness to the
2 consti tuents and the people here in western
3 Queens, and we are deeply distressed about this.

4 Now, Con Edison is offering people in their
5 homes \$350 for perishable goods, but my
6 constituents are telling me that it's not just
7 perishable goods. The power outage caused the
8 burning of their electrical appliances. They are
9 telling me that their computers are burned out
10 and ruined. Their refrigerators are burned out
11 and ruined.

12 Now, the businessmen and women is the most
13 tragic story of all, and Peter Valone, Jr., and I
14 left a meeting on 31st Street and Ditmars that
15 must have had three hundred business people
16 there. They are saying--and I have done a survey
17 where I am working jointly with the Senator,
18 Council Members, Assemblymen and everyone on, but
19 the first survey we issued last Sunday, we're
20 continuing on our survey, it showed of the
21 businesses we interviewed 65 percent said that
22 their loss was more than \$7,000.

23 And so we join today, and I join and appeal
24 to the Commission to force Con Edison to make

JEANNE O' CONNELL, R. P. R. (518) 271-7904

19

1 these people whole, to make them whole. \$7,000
2 does not cover the loss in wages, in business, in
3 burnt out appliances.

4 One florist said their whole refrigeration
5 system was burned out. The meat company and the

fish company, they are afraid they may go out of business. Others, the losses in some cases were hundreds of thousand of dollars.

This could have been prevented if accurate information was given by Con Edison. They kept telling them--they would call and say when is power going to be on? They were told don't worry. It will be on tomorrow. We think it's going to be on tomorrow.

As one businessman said, if I had known the power was going to be out for ten days I would have moved my merchandise elsewhere. I would have called for a generator.

Now, of the businesses we interviewed seven of them got independent generators but they did not get them from Con Edison. And I would say that we should require--the Commission should require that Con Ed have generators they can give to the community that they can ship out to help

JEANNE O'CONNELL, R. P. R. (518) 271-7904

20

the businesses keep their doors open.

What is so infuriating to me and what is so unfair is that my constituents lost seven days of their life, in some cases it was eight days, in some cases it was nine days, some cases it was ten days.

They lost in some cases ten days of their life, but they lost much more. They lost a great amount financially, and this loss, the loss that they are suffering is not because of them. They were paying their taxes. They were being good citizens. They were participating in the community. And they lost their power because Con

14 Edison had an antiquated, antique, outmoded
15 connector system that did not work.

16 And furthermore, when Burke said publicly
17 that ten of those connectors went out and it
18 hadn't happened before, as the Senator pointed
19 out, they lost seven of them the year before.
20 They lost seven of them in '99. They knew that
21 their connector system was not good. They knew
22 from the report that Eliot Spitzer did that they
23 were not prepared.

24 And so my question is that we should demand

JEANNE O'CONNELL, R. P. R. (518) 271-7904

21

1 they do a risk analysis, and that they invest in
2 preventing the risk of their power going down,
3 and they should inform residents of the--and
4 businesses--of the danger that they are in.

5 And I think the whole thing has really been
6 a tragedy of incompetence and mismanagement. And
7 every business looks to their shareholders they
8 have, but they have got to tell their
9 shareholders they have to invest in maintaining
10 the grid, upgrading the grid, and making sure
11 that it happens.

12 To me, it looks like a ouigi board. They
13 must have gone there and pasted a few things
14 together and then when it went wrong they didn't
15 even know what the problem was, where it was, and
16 who was affected.

17 That is not responsible management, that is
18 not good management, and that is not good
19 leadership.

20 Now, furthermore, I appeal to the Small
21 Business Administration, and I am pleased to say
22 that today Stephen Preston, the head of the

23 United States Small Business Administration, was
24 here in my district at Commerce Bank. They have

JEANNE O'CONNELL, R. P. R. (518) 271-7904

22

1 opened up an emergency unit to help residents get
2 loans so they don't have to close their
3 businesses. When you see Commerce Bank thank
4 them for giving them the space and go in and
5 thank SBA for coming here.

6 I will tell you what SBA did, and I want to
7 know, and I want a report, I want you to ask for
8 it, I'm going to ask for it in the federal
9 hearings. I am going to ask how many people came
10 in from out of town to help Con Edison. Small
11 Business administrator told me they flew people
12 in from Georgia, they flew people in from
13 Wisconsin and California to make sure that the
14 resources were here to help the people quickly
15 with Small Business loans.

16 I want to know was Con Edison still looking
17 at the bottom line and their 1.2 billion profit
18 that they didn't fly in professionals from across
19 the country to help us get power back on and to
20 help this grid be repaired.

21 I know that we had 9/11 and a lot of people
22 came in to help, but they should be out calling
23 all other power companies to send in the
24 specialists to help get this addressed and to

JEANNE O'CONNELL, R. P. R. (518) 271-7904

23

1 help them get this improved.

2 I want to go on to another thing. I am just

3 warming up here. I want to tell you something
4 else. My report showed that some of our
5 businesses have insurance. Not enough. A lot of
6 small businesses operate on a string and they
7 can't afford it and we have to help them. But a
8 lot of them have insurance and they want to fill
9 out their Con Ed insurance form and Con Ed will
10 not send it to them. So when my office called
11 Con Ed they said, look, we are going to--we have
12 to make sure that the loss was related to Con Ed.

13 Give me a break. Thousands of people
14 without heat, a hundred thousand people without
15 electricity, and they want to prove that it's
16 connected to Con Ed? But in any event, we asked
17 for a contact person with whom we could work, my
18 office, with the insurance claims on people who
19 are coming to my office and other offices for
20 help with their insurance.

21 They, to this day, have not given us a
22 contact person to work on the insurance claims.
23 And I would appeal to you to help our offices
24 collectively, all of our elected officials have a

JEANNE O'CONNELL, R.P.R. (518) 271-7904

24

1 name, have the forms and who we work with.

2 Now I called the American Bar Association.
3 Thankfully they are more helpful than Con Edison.
4 They are joining my offices, along with Senator
5 Onorato and Councilmen Valone, Gioia and
6 Gianaris, on Wednesday of next week, and they are
7 going to be helping the community fill out their
8 forms.

9 And we are having the hearing at the
10 Hellenic Association on Wednesday, and I would
11 request that your office make sure Con Ed has

12 someone there to help us. Make sure someone is
 13 there. And in recovering from the black out we
 14 are having the association of the Bar, the
 15 Regional Director of the Small Business
 16 Administration will be there to work with the
 17 individual problems. And it's going to be at the
 18 Federation of the Hellenic Society at two to four
 19 at 225 129th Street in Astoria, and we need Con
 20 Ed to be there with their forms and we would
 21 appreciate it--I know you have your own hearing.
 22 We will come back and testify here, too, but we
 23 need to get that information out to them.
 24 I want to publicly congratulate the

JEANNE O' CONNELL, R.P.R. (518) 271-7904

25

1 responsiveness of Senator Onorato, of Assemblyman
 2 Gianaris, who held a state public hearing today,
 3 of city council members Valone and Gioia, who
 4 held public hearings on Monday. I call for
 5 federal public hearings and collectively I'm
 6 working with the elected officials. It will be a
 7 joint hearing with all of us. We have to get
 8 answers and we can't rely on Con Edison.

9 How many brown outs, black outs, destroyed
 10 businesses, hurt primitive lives affected with
 11 dangerous conditions on our constituents has to
 12 happen before Con Edison takes a step to invest
 13 and upgrade their grid and their infrastructure
 14 for the 21st century.

15 So, I want to thank you for being here. I
 16 want to thank all the people who have come out
 17 tonight to speak out, and everything the people
 18 are saying is not enough. We really, really need
 19 to be there more to make sure this does not

20 happen in the future. I thank you very much.
 21 Thank you very much.
 22 (Applause)
 23 JUDGE LEE: The next speaker is Betsy
 24 Gotbaum, New York City Public Advocate.

JEANNE O'CONNELL, R. P. R. (518) 271-7904

26

1 MS. GOTBAUM: My name is Betsy Gotbaum. I
 2 am the New York City Public Advocate, and I am
 3 very happy that I represent the entire city, but
 4 I am particularly proud that this is a wonderful
 5 part of the city, as the judge mentioned, and I
 6 congratulate them on how wonderful they behaved
 7 during the last few days.

8 Let me say, though, I am pleased that you
 9 are here. I'm rather outraged that the rest of
 10 the Commissioners of the PSC aren't here today.
 11 I think that Governor Pataki appoints them and I
 12 hold him responsible that more of them aren't
 13 here.

14 (Applause)

15 CHAIRMAN FLYNN: We are, because of the ex
 16 parte rules, we are unable to meet in public
 17 settings more than two Commissioners because that
 18 would constitute a quorum, and then it would have
 19 to be a formal session. Next week when we have
 20 our four other hearings each one of the
 21 Commissioners is going to attend a hearing. So,
 22 by next Thursday each Commissioner will have
 23 attended at least one public hearing.

24 MS. GOTBAUM: Thank you. I just feel

JEANNE O'CONNELL, R. P. R. (518) 271-7904

27

1 particularly sensitive about this community, but
2 thank you for being here.

3 Just to answer your question or questions
4 about what Con Ed did and didn't do, first of
5 all, we as elected officials were never really
6 told anything in a straightforward manner. In
7 fact, on Monday when I was at the city council
8 hearing and I asked the chairman of Con Edison, I
9 said I was very concerned about what happened in
10 Astoria but we had the prediction of a heat wave
11 starting on Monday and what was Con Edison's plan
12 for what we have all just gone through, not
13 nearly as bad as Astoria and northwestern Queens.
14 However, he never answered me about any plan for
15 what might happen this week.

16 As Congressman Maloney just said, the east
17 side of Manhattan is having a brown out or some
18 kind of outage today. I had no answer to my
19 question as to what the plans were for what was
20 going to happen this week.

21 Furthermore, I think, as everybody has said,
22 we were very late in coming--getting the kind of
23 information so that we could get out there and be
24 helpful. I know the local Congressmen and local

JEANNE O'CONNELL, R. P. R. (518) 271-7904

28

1 Councilmen and Assemblymen and Assemblywomen were
2 all extremely responsive and here the whole time.

3 I came out with the Red Cross, who was
4 incredibly responsive and helpful here, and the
5 Con Ed workers themselves were wonderful and
6 doing tremendously difficult and irritating work
7 because people were yelling at them.

8 On the other hand, I felt that the people of

9 Astoria were spoken down to by the city
10 administration. I think that there was no reason
11 in the world to ever congratulate Con Edison on
12 how the people of Astoria and the rest of Queens,
13 northwestern Queens, were treated. I felt that
14 while there was a response, it was a little bit
15 too late.

16 And of course, as everyone has said, to me
17 the fact that no one has really explained to us
18 what happened in the sense that we know how this
19 will be avoided in the future is really
20 important.

21 Finally, I am also outraged by the fact that
22 many businesses have been ruined. It's not just
23 about perishable food. It really isn't. It's
24 about peoples' businesses who had gone under.

JEANNE O'CONNELL, R. P. R. (518) 271-7904

29

1 I had someone who ran against me last year
2 for Public Advocate who called my office because
3 he is a dentist and he couldn't work for one
4 whole week. He has lost a whole week of work,
5 which is very, very detrimental to him, and I
6 wonder about all of other business people who we
7 haven't even heard about.

8 So, providing money for perishables just
9 doesn't go far enough. We need to help these
10 businesses. We need to get them on their feet
11 again. And we must do everything without
12 nipping and finding who has receipts and who
13 doesn't.

14 So, I am here to thank you, Commissioner,
15 for coming and you, Judge, but I certainly hope
16 that in the future we will get a much better
17 response from Con Ed and I hope that you will

18 hold them to that. Thank you.

19 (Applause)

20 JUDGE LEE: Council member Peter Valone.

21 COUNCILMAN VALONE: I will try to be very
22 brief as I would like to hear from the public
23 tonight.

24 Just let me thank you, Mr. Flynn, for being

JEANNE O'CONNELL, R.P.R. (518) 271-7904

30

1 here. I did not expect to see the Commissioner
2 of the PSC coming out to listen to these people,
3 holding these hearings.

4 That being said, I am obviously not happy
5 with the role the PSC has played throughout this
6 entire situation. I believe that your lack of
7 oversight allowed this to happen. This is not
8 the time for that. You will be appearing before
9 the City Council. You and I will have a
10 discussion then.

11 Now I would like to speak about Con Ed. I
12 represent 170,000 people so I want to speak on
13 their behalf. Our community suffered like no
14 community in modern day should ever have to
15 suffer. Nine days of lying in the sweltering
16 heat, listening to the wail of distant sirens,
17 explosions. Nine days of lost wages, lost
18 income, lost business right on my block, still
19 shuttered, perhaps never to reopen again. Nine
20 days of standing in line like refugees waiting
21 for basic necessities, all because Con Ed
22 couldn't do the one job it has left, which is to
23 transmit power.

24 And it's worse than that because once they

1 failed in that job they then lied from the minute
2 it began to happen, and this lying is a long
3 pattern, Mr. Flynn, as you probably know. Back
4 in 1995 there was an explosion which released
5 asbestos into the air. Con Ed lied about it,
6 were prosecuted by the US Attorneys' Office, they
7 were found guilty, they were fined millions of
8 dollars and a federal monitor was placed over
9 them. I am asking it be placed over them here.

10 The judge said in that case I am very
11 concerned about Con Ed failing to deliver the bad
12 news. He was concerned then. We are still
13 concerned now. The lies continue. They
14 continued through the City Council hearing,
15 through the Assembly hearing today.

16 We asked them who came up with this system
17 where you expect people without power, therefore
18 without phones, to call in to report a lack of
19 power and you don't take those phone calls, and
20 then that's how you determine how big a power
21 outage it is. I said, a 12-year-old on a bike
22 who is riding around could have come up with a
23 more accurate number than this billion dollar
24 company came up with.

1 All they continue to say is that we realize
2 that improvements need to be made. Duh, of
3 course improvements need to be made. That's not
4 an answer that's acceptable to us nor should it
5 be acceptable to you. They allowed that system
6 to exist and that is why our damages were

7 exacerbated, because they lied from day one about
8 the extent of the damage, therefore, stopping
9 city agencies from giving us assistance, and they
10 lie about when it would be fixed, therefore,
11 stopping businesses from taking the necessary
12 precautions they could have taken had they known.

13 Con Ed knew on Tuesday that ten out of 22
14 feeder cables were out. Significant, critical
15 damage to their system. They knew no one was
16 getting power back that night. There was damn
17 well no way people were getting power back the
18 next day. They never said that. They lied
19 continuously to the community. That's why they
20 need to be punished.

21 Mr. Flynn, you are the only person right now
22 because you are the regulatory agency who can
23 hold their feet to the fire.

24 As I said, I am going to be brief so I am

JEANNE O'CONNELL, R. P. R. (518) 271-7904

33

1 done. I want to ask you: Do not allow the
2 deception to continue. End it now. Make the
3 changes necessary.

4 (Applause)

5 JUDGE LEE: Councilman Eric Gioia.

6 COUNCILMAN GIOIA: Thank you, Your Honor.

7 Thank you, Chairman Flynn. Thank you both very
8 much for being with us tonight in Astoria.

9 Very simply, the people of Queens have
10 suffered. We need help and we need answers, and
11 we hope that you can provide both. When the
12 lights went out that was just the tip of the
13 iceberg. After that, we were misled day after
14 day after day as to the extent of this problem.

15 After a few hearings, at this point it's clear
16 that Con Edison had information that they fully
17 withheld from the public.

18 At this point I am not sure if Con Edison
19 incapable or unwilling to recognize the extent of
20 the damage that they have caused in western
21 Queens.

22 You see Peter and Mike and myself, you see
23 us get really upset about this. And I am not
24 sure, I guess it's because it's our neighborhood,

JEANNE O'CONNELL, R. P. R. (518) 271-7904

34

1 and it's our family and our friends and our
2 neighbors who we see suffering.

3 I know for me, when I was in Sunnyside, I
4 don't know if it was day eight or day nine of
5 this black out, I saw a bread line stretched
6 three blocks long and I saw people I've known my
7 entire life waiting in line an hour to get a
8 hotdog. It broke my heart.

9 When I look at Con Edison and they say,
10 well, we have been big sports. We have waived
11 the receipt requirement so that they can be
12 reimbursed for their food in their fridge. And
13 we'll waive the tariff and folks will get three
14 bucks back on their bill next month, hurray for
15 us.

16 Now, I look at that and I wonder are they so
17 completely out of touch or are they laughing all
18 the way to the bank? But it really is something
19 that is terribly sad. In this day and age--we
20 were walking in Astoria with Senator Clinton and
21 a man came up to her and he said, I moved to this
22 country. I never thought this could happen in
23 America, the power going out for over a week.

24

The thing is we are New Yorkers, we are

JEANNE O'CONNELL, R.P.R. (518) 271-7904

35

1 tough, you've seen that we're resilient, and
2 we've been through bad times in Manhattan, but
3 what's really very difficult was not having any
4 information.

5 I spoke to a woman on the second or the
6 third day of the black out and she said, I opened
7 up a newspaper and it said a thousand customers.
8 So, I thought it just must be my block. Then I
9 started walking around and it's block after
10 block, and then I spoke to a friend in Astoria
11 and found out it was her neighborhood too and I
12 thought, what's wrong with my newspaper? Why
13 does my newspaper not know this information?

14 Of course you couldn't watch television
15 because power was out. And then it kept
16 extending. And what's really interesting is when
17 the chairman of Con Edison testified before the
18 City Council on Monday, he said Queens is back a
19 hundred percent.

20 I leaned over to the speaker of the City
21 Council, Christine Quay, I said, well, that's
22 really interesting. I still don't have air
23 conditioning and there's power generators
24 littering the streets. Every block you go

JEANNE O'CONNELL, R.P.R. (518) 271-7904

36

1 there's a power generator.

2 So, she asked him that question. He said,
3 well, yeah. What I meant to say was. And then

4 when I read Con Edison's report yesterday, page
5 three of the report says Queens is back. Again,
6 I was sitting in my office yesterday. It was a
7 hundred degrees in my office. So, we are still
8 not back a hundred percent.

9 The fear here is when it's 103 degrees out
10 and you can't trust the company that provides you
11 power that's a scary thought. And it's our
12 neighborhood last week and the week before. It's
13 the east side of Manhattan tonight. Whose
14 neighborhood will it be next week and how in the
15 world can we have any confidence in what Con
16 Edison is telling us?

17 I don't know why the power ran out. It may
18 take us months, it may take a few months to
19 figure out why the power went out, but it
20 shouldn't take us months to figure out why they
21 misled us day after day. Why do they continue
22 to mislead us today?

23 Then to add insult to injury is Con Ed's
24 compensation policy. Now, first of all, when the

JEANNE O'CONNELL, R. P. R. (518) 271-7904

37

1 lights went out and people lost the food in their
2 refrigerator that's one thing, but then the power
3 went back on briefly in some places. People
4 restocked their shelves and it went out again.

5 I spoke to a business owner in Woodside
6 yesterday. When her lights originally went out
7 she lost about \$20,000 worth of food. Her lights
8 went out again two nights ago and she lost
9 \$13,000 worth of food. Now, for Con Edison to
10 say to her I am going to give you \$7,000 and a
11 pat on the back is not only offensive but it's
12 going to drive her out of business.

13 When you look at our neighborhoods,
14 Woodsid e, Sunnysid e, Astori a, Long Isl and Ci ty,
15 what you really have are aspirational
16 communi ties. People come here from all around
17 the world to make a better life in a better land.
18 They don't expect a lot, but what they do expect
19 is vitally important. They expect a fair deal.
20 They expect if they wake up every morning
21 and they go to work all day that they will make
22 ends meet, that they will be able to provide for
23 their family.
24 In many cases, in my own family's case, I'm

JEANNE O'CONNELL, R. P. R. (518) 271-7904

38

1 sure many of the cases of the people in the room
2 it's been true, but when the company that is
3 charged with putting on power in a city turns the
4 lights out that's one thing, but when they say, I
5 am sorry, folks, it's not our responsibility to
6 make you whole, you lost your air conditioning,
7 all the fixtures blew out, you lost your
8 business, we're really sorry.

9 We are going to give you back a couple
10 bucks. If you go bankrupt it's not our problem.
11 It's not our legal obligation to help you. That
12 is offensive and it needs to change and I ask you
13 to change that.

14 One final point. On the very first day of
15 the black out I was called to go to Berkely
16 Towers. It's a retirement community. They have
17 no water. They have no electricity. It's a
18 12-story building. There are a lot of--about a
19 thousand senior citizens live in a one block area
20 over there.

21 The first door I knocked on was an
22 87-year-old woman who had not had water in one
23 day. I immediately called in Red Cross for
24 emergency relief who brought out food and brought

JEANNE O'CONNELL, R. P. R. (518) 271-7904

39

1 out water.

2 I did that for the Sunnyside Senior Center,
3 which is a cooling center, where the city sends
4 people in this type of emergency. Well, if the
5 power is out, it's hot, go to the cooling center.
6 Well, guess what? The power wasn't on at the
7 Sunnyside Senior Center. Let me correct that
8 because according to Con Edison the power was on.
9 There was a little yellow light bulb in the
10 hallway.

11 The elevators were out and the air
12 conditioning was off. We actually had to take
13 people in wheelchairs, to carry them down the
14 stairs to get them out of the building.

15 Con Edison didn't know this was going on.
16 When I actually spoke to the head of the senior
17 center he told me Con Edison asked him to turn
18 off his power. When I asked the chairman of Con
19 Edison about this on Monday he didn't have any
20 information about that.

21 What's shocking to me is that Con Ed did not
22 know where the senior centers were. In other
23 words, the power went out, they didn't know where
24 the generators should go to first. They didn't

JEANNE O'CONNELL, R. P. R. (518) 271-7904

40

1 know where the vulnerable population was.

2 Let's say this was a typical black out.
3 Let's say the power went out for a day. It would
4 have been an inconvenience for most people, but
5 the test of how we survive a crisis is not how
6 most people do. The test of how a city survives
7 a crisis is how we take care of the vulnerable,
8 the elderly, the infirm.

9 In my view, the utility company has a
10 special obligation to those who are most
11 vulnerable. The utility company ought to know
12 where these populations are.

13 Finally, once the power did go out, and
14 Congressman Valone talked about this, I mean it's
15 kind of absurd to think that the only way for Con
16 Edison to figure out if the power is off is for
17 folks to call in. They had some algorithm to
18 determine how long people stay on the line before
19 they hung up. That's pretty crazy.

20 What I recommend, and I still hold to this,
21 and this really should be the plan, is that when
22 the power goes out you immediately begin the
23 phone bank to the people in the affected area,
24 one, to find out if their power is on and, two,

JEANNE O'CONNELL, R.P.R. (518) 271-7904

41

1 to find out if they need help. Do they have
2 water, do they have food.

3 And then you should also do automatic phone
4 calls going around the affected area. If that
5 doesn't work, you should do a foot canvas. It
6 really isn't rocket science. These are simple,
7 practical steps you should take to assure there
8 are not tragedies in these circumstances.

9 I do appreciate you both being here. I

10 think it's vitally important as we look forward
11 over the coming weeks and the coming months that
12 we hold Con Edison's feet to the fire. What they
13 have done to this neighborhood is absolutely
14 indecent and should never happen to another New
15 Yorker again. I thank you for your time.

16 (Applause)

17 JUDGE LEE: New York Assembly Member
18 Catherine Nolan.

19 ASSEMBLYWOMAN NOLAN: My colleagues said it
20 all and I'm anxious to hear from the people who
21 are here from the public. I will just reiterate
22 to you and to Chairman Flynn, we were at the
23 hearings just a little while ago, a couple of
24 things.

JEANNE O'CONNELL, R. P. R. (518) 271-7904

42

1 This is clearly the longest black out in the
2 history of the city of New York; therefore, the
3 Commission has to approach this in a different
4 and aggressive way. I appreciate that you are
5 here today and that you scheduled two other
6 hearings, but I would also recommend that the
7 Commission do more to publicize the hearings.

8 I think we are going to need to hear from
9 people. This is a good turn out, but I think we
10 need a better turn out at the other two hearings
11 and I think many people are feeling a little
12 helpless and we don't want that. We want people
13 to be strong and that they can come to the
14 Commission.

15 So I would urge you to treat this in a
16 different way. I think we established at the
17 hearing today that there needs to be more
18 coordination by Con Edison with what--almost

19 describe it as unrelated incidents. Not only
20 people are calling or not calling that their
21 power is out, but manhole fires, manhole cover
22 explosions. We also heard about that today.
23 Where are they?
24 Apparently they have been told by Homel and

JEANNE O'CONNELL, R. P. R. (518) 271-7904

43

1 Security they have to upgrade manhole covers.
2 They don't seem to have a program in place for
3 that. They had 73 conditions or almost a hundred
4 manholes either explode or have smoke out of four
5 thousand in our northwest Queens district that
6 they don't seem to have had a way to integrate
7 that report to what the power outage was. So, it
8 was almost unrelated and therefore they were
9 unable to determine the numbers.

10 The Commission I think needs to be in there
11 and say, okay, there are various conditions that
12 are occurring simultaneously. We need to know
13 why you can't piece that together to make a more
14 comprehensive whole. That definitely came up
15 today.

16 I also think my colleagues have spoken very
17 eloquently about the lack of communication. I
18 would agree also with the councilman there was
19 not a sensitivity to sensitive locations. Not
20 only were senior centers not properly given
21 information, but businesses like funeral parlors,
22 that is the kind of sensitive business where
23 families are grieving. There should have been an
24 immediate response.

JEANNE O'CONNELL, R. P. R. (518) 271-7904

1 Con Ed should know where the businesses are
2 so they can get generators, senior centers can
3 get generators. There seemed to be no plan in
4 place. Having participated in some of the
5 initial OEM meetings on Thursday, I was actually
6 struck at how little information Con Ed had
7 shared with the city about things like churches,
8 we talked about, like Red Cross trucks and which
9 church.

10 You know, we really shouldn't be making
11 those decisions as elected officials on the fly
12 like that. Okay, maybe 55th Street needs a
13 place, maybe turned out that wasn't the right
14 location or best location, the parking lot wasn't
15 open. I mean all this was being done almost on
16 the fly, moving forward quickly through a crisis.

17 I was surprised at that. I would have
18 expected OEM to have that, but more importantly
19 Con Ed should be able to provide to the city. I
20 don't want to speak for OEM, but part of the
21 problem seems to be that they did not have a good
22 list.

23 I represent--Assemblyman Gianaris was more
24 affected than my district, but the part of my

 JEANNE O'CONNELL, R. P. R. (518) 271-7904

1 district that was affected, Woodside, was a
2 checker board. One house had low voltage, one
3 house had nothing, one business had some power,
4 another business turned on their air conditioning
5 and it fried it, the compressor busted.

6 That seemed to be a contributing factor in
7 Con Ed's inability to inform the city of where

8 the sensitive location was. So, there are a
9 whole range of issues that obviously were covered
10 here already and I'm anxious to hear from the
11 public. I know you are.

12 I would also say, though, the fact that the
13 Washington Heights incident that Con Ed was not
14 fined by the Commission, I believe, has played a
15 contributing role to their lack of attention to
16 this issue of feeder cables. And I think and
17 would urge the Commission to think seriously--
18 you know, we get parking tickets in New York if
19 we don't park right. There's no reason that Con
20 Ed should escape a serious financial penalty
21 here.

22 I also want to reiterate, as we said at the
23 hearing, that many of us who serve on the
24 Corporations Committee, as I do, and other

JEANNE O'CONNELL, R.P.R. (518) 271-7904

46

1 committees, will be asking for a prudency
2 hearing, or I don't know exactly what you call
3 it, a review. We think that's critical that the
4 Commission undertake that because this is a black
5 out unlike any of these that we've experienced in
6 New York City in terms of duration.

7 There are a lot of other things that I could
8 say, but I would just be repeating the great
9 remarks of my colleagues. So, I am going to let
10 the public speak.

11 I really appreciate the Commission coming
12 out, but I think you can actually do more to
13 publicize the other two hearings, the ones in La
14 Guardia College in our district. I really hope
15 that you treat this in a very unique and really

16 tragic situation, really tragic situation for
 17 many, many people. Particularly, as the
 18 councilman said, the elderly in our district. It
 19 was very, very upsetting and it felt that we
 20 weren't getting a handle on it. That was perhaps
 21 the worst thing of all. Thank you very much.

22 (Applause)

23 JUDGE LEE: Next speaker is Robert Moratti.

24 MR. MORATTI: My name is Robert Moratti. I

JEANNE O'CONNELL, R.P.R. (518) 271-7904

47

1 have been a resident of Astoria, Queens for
 2 38 years. Madam Commissioner, when you were
 3 going over the ground rules for this particular
 4 meeting you mentioned to us to talk about how
 5 this black out affected you. As far as it
 6 affecting me, it did not affect me one flicker
 7 throughout this entire black out period.

8 My residence, I live on 34th Street between
 9 30th Avenue and 31st Avenue. Not only was I not
 10 affected, my entire building was not affected,
 11 which compromises 17 apartments and 56 people,
 12 averaging three and a half persons per apartment.
 13 We are a heavy populated block.

14 The block goes for over 900 feet. Not only
 15 was my building not affected, also my whole side
 16 of the block from 30th Avenue to 31st Avenue was
 17 not affected, which means roughly about two
 18 thousand people did not even have a flicker on
 19 their T.V. set. Not only that, the other side of
 20 34th Street was not affected. That's another two
 21 thousand people.

22 Four thousand people were not affected. And
 23 Con Edison keeps on saying we don't know what
 24 went wrong, but also what they are saying we

JEANNE O' CONNELL, R. P. R. (518) 271-7904

48

1 don't want to know what areas went right because
2 if they went down to my block to find out the
3 reason why four thousand residents were not going
4 through these problems, they would find out, as
5 myself I know and so do the other about four
6 thousand people on my block.

7 In that--I am not an engineer and neither
8 are the other four thousand people on my block.
9 Our system and our block was updated two years
10 ago, roughly. A lot of work was done. A lot of
11 money was invested in it but it worked.

12 We went through this period of the hot
13 weather where four thousand people in Astoria
14 were not affected. And when I say not affected,
15 not one flicker. But Con Edison will stay on
16 their guns and say we don't want to hear what
17 went right because then your Commission will send
18 people down at Con Edison to find out what went
19 right there and then do it not only on 34th
20 Street.

21 If you can do it on my block then your
22 Commission will be telling them, which they know,
23 then you are going to do it on 35th Street, 36th
24 Street, you are going to have to do it in Astoria

JEANNE O' CONNELL, R. P. R. (518) 271-7904

49

1 and you are going to have to do it in Woodside.

2 What happens on 34th Street in Astoria in my
3 block, if you can do it there you can do it on
4 every block, but they don't want to hear that.

5 And they don't want people to know what went
6 right in other areas because, again, like I say,
7 other people are going to say if you can do it on
8 34th Street, even through this hot weather, it
9 can be done.

10 But because of the reasons, it costs money,
11 it costs investments, like other people and my
12 political people here who represent us all have
13 mentioned, they do not want to devote this money.
14 And the way the rules are set up for them by
15 having them go to that, there are an amount of
16 customers that were affected by especially the
17 rates that they have to pay out in claims, they
18 know that they can get away with stalling and
19 doing tape jobs and doing bandaids, and they will
20 constantly do this and get away with it because
21 we are allowing them to do it.

22 They are not satisfying not the people of
23 the community, they are satisfying their
24 shareholders, so the investments don't go right

JEANNE O'CONNELL, R. P. R. (518) 271-7904

50

1 out of the pocket. They know that these areas
2 can be fixed. When they say we don't understand
3 the problem, have them go to 34th Street between
4 31st and just open up the manholes and they will
5 see what has to be done to fix the other.

6 For once they start doing it it can be done.
7 We don't know what the problem is, nonsense. And
8 we have to get to the point now Con Edison, with
9 all their maneuvers and all their lies and
10 fraudulent ways, we have to tell them and your
11 Commission that Con Edison, it's not what we like
12 you to do, not what you have to do, it's now what
13 you better do.

14 Thank you.

15 (Applause)

16 JUDGE LEE: Thank you. Next speaker is
17 Vincent Amato.

18 MR. AMATO: Before I came here I was looking
19 at your mission statement. The mission of the
20 New York State Department of Public Service is to
21 ensure safe, secure and reliable access to
22 energy. The end of your mission statement says,
23 "where competition is not present or viable"--as
24 it is not in this case--"the Department will

JEANNE O'CONNELL, R. P. R. (518) 271-7904

51

1 exercise its regulatory authority judiciously to
2 ensure equitable rates and high-quality service".
3 I await your decision on that matter.

4 With regard to the issue of communication,
5 in going over a recent decision the Public
6 Service Commission has made as recently as last
7 month in response to a storm in January of 2006,
8 you made the following recommendations to Con
9 Edison. They will sound extremely familiar to
10 the people in this community.

11 Number one, make improvements to outage
12 management systems to provide accurate outage
13 information and test these systems with much
14 higher customer call volume. Two, provide more
15 frequent daily update conference calls to
16 municipal and public officials. Three, review,
17 analyze and implement industry Best Practice
18 processes for estimating restoration times. And
19 four, extend present efforts to educate customers
20 and public officials about the process used to
21 determine the order of restoration of service.

22 All of these issues were lived out yet again
 23 a mere month after your findings. What we have
 24 here is a mini Katrina and for precisely the same

JEANNE O'CONNELL, R.P.R. (518) 271-7904

52

1 reason: Disinvestment in the needs of people and
 2 a wild preoccupation with the bottom line and the
 3 shareholders.

4 \$1.2 billion profit. This is a monopoly
 5 established by the state. It is a cash cow for
 6 shareholders. At this point, I would say the
 7 government should take over providing electricity
 8 to the people of New York City.

9 (Applause)

10 I would urge Con Edison, I would urge the
 11 people of this city to demand full payment,
 12 bankrupt Con Edison, and then when it is
 13 bankrupt perhaps we can find people who can
 14 actually provide electricity.

15 This is not rocket science. You don't need
 16 to be an electrical engineer to know that we have
 17 sold millions more air conditioners over the last
 18 few years, that there are greater energy needs.

19 What this company does is apply bandaid
 20 after bandaid. It was pointed out that one of
 21 the cables that burned out was 67-years-old.
 22 There is no excuse for that whatsoever. Rather
 23 than upgrading it to a state-of-the-art system,
 24 what Con Edison does is apply bandaids.

JEANNE O'CONNELL, R.P.R. (518) 271-7904

53

1 The reason is obvious. The reason is the
 2 bottom line. Well, these people--although

3 frankly I wish we could have heard more from
4 these people. I am not a resident from this
5 area. I am a resident of nearby Jackson Heights.
6 It's nice to hear from politicians, and I think
7 many of the politicians have done a great job,
8 but it would be really nice to hear from the
9 people themselves.

10 Thank you very much.

11 (Applause)

12 JUDGE LEE: I do have a whole stack of
13 cards. Let's hear from Jose Adames.

14 MR. ADAMES: Good evening. Thank you for
15 the opportunity, Commissioner. My name is Jose
16 Adames. I am a technician. I have ten years
17 with telephone company in the public. I have
18 several seminars, electricity, mechanical, etc.

19 I can't believe what happened here in
20 Queens, especially after coming of the black out
21 happened in Washington Heights. We had several
22 hearings and supposedly we are painting the
23 several hearings more to learn about the
24 upgrading of the grid. I know they fixed the

JEANNE O'CONNELL, R. P. R. (518) 271-7904

54

1 cable but they have no grid, still in the same
2 condition. Looking at the lights and seeing we
3 are going to be the next one.

4 Just happened to be that I run for mayor in
5 the last elections. One of my campaign issue was
6 the role of black outs in New York City, because
7 it's impossible to believe in this country we
8 have black out, but because we don't have enough
9 fuel, not because our plants are breaking down
10 and the manhole exploding and wire of all of the

11 places.

12 It's incredible. I said I will look to the

13 black out because I know New York City is

14 enormous. We need a lot of money and we need a

15 lot of investment and they borrow money to invest

16 and when something happens they disburse among

17 the people. The customer of Con Edison, regular

18 level of the customer in New York, every business

19 is accountable, when feel just pass it on. They

20 not reimbursing the money about anybody losing

21 job. They don't reimburse the business money

22 they lose. You can feel how much money they lost

23 in ten days.

24 It's incredible. I learn about black

JEANNE O'CONNELL, R. P. R. (518) 271-7904

55

1 out because I had no electricity. Nobody came

2 out, say anything. Just were black out. I

3 started counting one day. Then I learned Queens

4 have black out. They said they find out that

5 there was only 2,000 first day or 3,500, they

6 find out.

7 When you have the electricity without

8 electricity you talk about how many thousand, two

9 hundred thousand. This is incredible. We are

10 counting days. Five day appear, the mayor say we

11 have some problem. Doesn't even know what is

12 happening, but even to get information what's

13 going on. The fifth day. Five days in this

14 city, one or two hundred thousand without

15 electricity, and don't even know and five days

16 still haven't learned it.

17 More than two hundred thousand people

18 without electricity. Public plan. How many? I

19 said even the--you look at New York City because

20 we are lucky that we didn't have any terrorists.
21 Especially you have the security device somewhere
22 or another come. What's the matter? Things are
23 happening here. They had people in Queens
24 because it was good behavior.

JEANNE O'CONNELL, R. P. R. (518) 271-7904

56

1 The city still is suffering black out. Even
2 today there is so many today mayor hasn't said to
3 Con Ed, I think it's you because you are
4 responsible for the city and this person still
5 haven't said the truth.

6 I went to the hearing on the City Council
7 and spent ten minutes to get the Con Ed to accept
8 the first cable that blew up was 67-years-old.
9 Didn't accept it. Borough president came and
10 said first cable that blew out 67-years-old.
11 Many years mayor been receiving comes and say a
12 beautiful word about what he going to do and
13 that's it. We have the--I even told the public
14 we can't keep on situation that every other day.

15 Another one just yesterday, day before,
16 after every day they shooting the kids, killing
17 them because the drug problem. I know, we don't
18 have terrorists. There could be really upset.

19 You have to understand real mayor that he
20 didn't have signature to become a candidate.
21 Case pending in Federal Court. Not a legal
22 mayor. Conspiracy to hold him. Everything with
23 gratitude to mayor. Mayor jumps from one crisis
24 to another. This campaign you wanted to have

JEANNE O'CONNELL, R. P. R. (518) 271-7904

57

1 mayor and ask the mayor where were you in five
2 days? Then he said, they said if you need, tune
3 in to find out what's happening. I say as soon
4 as they walk out in Queens they should know what
5 happened.

6 No electricity, not even traffic light.
7 Never ever told the community going to have 11,
8 10 days without electricity. Mayor never told.
9 In the end they say okay. We have to make a big
10 improvement in this, learn in this community, the
11 whole city, because financially go invest some
12 money and spare some change, whatever they have
13 continue.

14 They lying here and tell the people if it is
15 that Con Ed has enough power and all the
16 whatever, either the power go down and current
17 goes up, cable burn. If the cable burn, why?
18 Because everybody burning more and more
19 electrical appliances.

20 I know we have to start from the first. He
21 said he doesn't need this job when he came to
22 elections. We have five days. Thank you.

23 JUDGE LEE: Thank you.

24 (Applause)

JEANNE O'CONNELL, R.P.R. (518) 271-7904

58

1 JUDGE LEE: Next speaker is Jon Winkelman.

2 MR. WINKLEMAN: Hi. I would love to comment
3 on how well Con Edison kept me informed but I had
4 no power for six days, I had no internet or cable
5 television for ten days. I would just go up to
6 my switch and if I turned it on and it wasn't on
7 it wasn't restored.

8 Obviously I would like to talk more about

9 what happened before the power outage, throughout
10 the day before. Nothing extraordinary. It was a
11 normal summer day. It was no hurricane. There
12 was no earthquake. No act of terrorism.

13 Every summer the temperature goes up to 90
14 degrees. It's expected. Just like at
15 Christmastime, people put on Christmas lights and
16 energy demand goes up.

17 When the temperature goes above 90 degrees,
18 I have to turn my air conditioner on as a matter
19 of health and wellbeing. For the senior
20 citizens, who are my neighbors, it's a matter of
21 life and death. How many senior citizens die
22 every year from heat prostration when the
23 temperature climbs to a hundred degrees? This
24 happens every summer.

JEANNE O'CONNELL, R. P. R. (518) 271-7904

59

1 In your pamphlet you talk about there's peak
2 demand. We need to cut back what we are doing.
3 When the temperature goes up to 90 degrees I
4 don't buy a plasma television or blast my stereo.
5 I turn on the air conditioner for my own health
6 and wellbeing. It's not our fault, it's not the
7 fault of anyone in this room for turning on their
8 air conditioner. We know it's going to happen.
9 It happens every summer.

10 The question is: One company owns all the
11 copper wires that are connected to my building,
12 and what has been done to make sure I get the
13 electricity I am paying for? This isn't a gift.
14 This isn't a charity. I pay Con Edison. I buy
15 electricity from them. In the summer time I need
16 electricity more than any other time of the year.

17 (Applause)
 18 Councilman Gioia did a great job of
 19 criticizing Con Ed so I am not going to do that.
 20 I would like to criticize the Commission. We all
 21 hear in the papers that the energy companies are
 22 making record profits all over, and what are they
 23 doing with those profits? Are they reinvesting
 24 into copper wires or are they buying other power

JEANNE O'CONNELL, R. P. R. (518) 271-7904

60

1 companies to enrich the stockholders?
 2 On July 21st, the National Grid and KeySpan
 3 applied for approval to merge with the New York
 4 State Public Service Commission. Did you ask
 5 them how much of their profits were going toward
 6 the merger and how much was going to improve
 7 these copper wires that were put in place in
 8 1967?
 9 We know that the population of Queens has
 10 gone up. We know that the usage has gone up. We
 11 know that more businesses have computer services.
 12 My question for the Commission is: Who is on the
 13 Commission? Who appointed them? What are the
 14 connections to lobbyists? What experience did
 15 they have with public utilities before they were
 16 appointed? Who's accepting money from whom? And
 17 why are they not questioning how Con Ed and these
 18 other power companies are not investing in what
 19 we, the citizens of New York, are paying for?
 20 And we have no choice to buy from anyone
 21 else because they are a monopoly. Only one
 22 company is allowed to connect copper wires to my
 23 house. I have to buy from them. Those copper
 24 wires are not able to handle the power usage of

61

1 an average summer day in New York.

2 Thank you.

3 (Applause)

4 JUDGE LEE: The next speaker is Tony

5 Gigantiello from Astoria.

6 MR. GIGANTIELLO: It's a hard act to follow.

7 My name is Tony Gigantiello. I'm a life long

8 resident of Astoria, I'm also president of coop

9 with 364 families. We are in seven buildings,

10 15 stories high.

11 Tuesday night we were affected. We had

12 brown outs and black outs on elevators. We lost

13 all our elevators because we didn't have enough

14 voltage coming in. We had a hard time getting

15 our elderly up and down to 15 floors. That's how

16 basically we were affected.

17 I am very angry at Con Edison because I am

18 also president of Coalition to Help Organize a

19 Cleaner Environment. We fought the siting of new

20 power plants in this area because they tried to

21 tell us that the reason we would have black outs

22 and brown outs is because we didn't have enough

23 power, but we knew back then that the reason was

24 the transmission lines were never upgraded.

62

1 That's why we had the brown outs and black outs
2 in this area years ago. These are not new.

3 Con Edison is in the transmission business.

4 You get a charge on your bill every month that

5 they transmit electricity. They made \$1.2

6 billion in profit this year. How much are they
7 putting back into the system?

8 They are the experts. They know the life
9 expectancy of these transmission lines. They are
10 on breakdown maintenance right now. And who
11 suffers? The citizens of Astoria, the citizens
12 of this city.

13 I think Con Edison should be mandated to put
14 a certain amount of profit back into upgrading
15 the transmission system. Thank you.

16 (Applause)

17 JUDGE LEE: I used to live in your housing
18 complex, as did my sister-in-law and my daughter,
19 who lived at 3364 21st Street. Thank you very
20 much.

21 The next speaker is Vinicio Donato.

22 MR. DONATO: Thank you for giving me an
23 opportunity to speak. I am also a resident of
24 this community for almost all my life. If I tell

JEANNE O'CONNELL, R.P.R. (518) 271-7904

63

1 you how long you will know how old and that's not
2 anyone's business but my own.

3 I also taught in this area for 34 years and
4 probably represented persons--I am with the
5 unions.

6 My comments are coming on behalf of
7 Community Board One. Since I am a school teacher
8 I said what's the best way to treat this? I said
9 a report card. I used to have to fill them out
10 every year at the end of the school sessions.

11 Well, my comments are like this. I grade
12 Con Edison for management skills F because they
13 are only concerned with profits, and not only
14 profits but damn the customer because they have

15 to prove their value to their stockholders so
 16 that prices of the stock go up.
 17 Failure, F, failure to notify residents of
 18 this Monday, July 17th, during a brown out. What
 19 communications did they tell Vinnie Donato on my
 20 block on 49th Street. Cut out the air
 21 conditioning, reduce it, and possibly we would
 22 have saved some of the problems we are having
 23 now. They didn't do that.
 24 Their communications is if they go on

JEANNE O'CONNELL, R.P.R. (518) 271-7904

64

1 television. If you have a brown or black out how
 2 do you watch television? I saw today on T.V.
 3 that there's a black out in Manhattan, but if you
 4 don't have a T.V. to watch that statement, what
 5 happens?

6 F, failure to maintain equipment such as
 7 transformers and cable. I asked everyone who
 8 drives an automobile do you wait for your brakes
 9 to fail before you fix them, or you do
 10 maintenance on your automobile. What if you have
 11 a cable, like everyone said, 67-years-old, that
 12 cable is younger than I am, but certainly it
 13 deserves to be fixed and that's what they weren't
 14 doing.

15 Everyone said band-aids. That's what they
 16 do, because I spoke to someone who was an
 17 engineer and he said what they do is if a life
 18 expectancy of something is four years, they try
 19 to get five years out of it, or six years out of
 20 it, because they are making money by reducing.
 21 So, when it burns out they don't want to fix it.

22 F, failure to provide many locations with

23 water and food. They did put out some but it
24 wasn't enough. People had to travel too far to

JEANNE O' CONNELL, R. P. R. (518) 271-7904

65

1 get them.
2 F, failure to bring in large generators
3 during the onset of the black out. Why did they
4 wait--they put one on the corner of my block five
5 days after. Then the seventh day I got
6 electricity because then they hooked it up. But
7 why did they wait so long if they knew? This is
8 a way of handling the situation temporarily and
9 they still have generators out there on the
10 street giving electricity but it's only
11 temporary.

12 F, failure to provide sufficient funds for
13 wasted foods and other inconveniences and
14 hardships to residents and businesses.

15 My recommendation that you would put at the
16 end of the report card. Raise the reimbursement
17 for food for residents to a minimum of \$500 with
18 no damn receipts. If I don't pay my electricity
19 for one month they notify me and they cut me off.
20 They don't give you electricity at all if you
21 don't pay your bill. Now, pay back the customer
22 that you ruined their food.

23 One month they should give every resident,
24 every business, for every--free electricity for

JEANNE O' CONNELL, R. P. R. (518) 271-7904

66

1 every month for every day that the electricity
2 was out. So if you had no electricity for nine
3 days, nine months of free electricity from Con

4 Edi son.

5 (Appl ause)

6 Busi nesses. \$7,000 is a peanut for people
7 who own businesses. If you are losing 20,000,
8 30,000, 40,000, they ought to reimburse every
9 business the full extent of the extent of loss of
10 food, the use of generators, any other equipment
11 that burned out.

12 What is the \$7,000? I can give them \$7,000
13 but not a company that has billions of dollars
14 worth of profits. \$7,000 is a slap in the face.

15 Recommendation would be an independent
16 commission into looking into the management of
17 Con Ed. And my recommendations is removal
18 because they hadn't the slightest clue what was
19 going on in the community. I didn't even see one
20 of them in the community, never mind broadcasting
21 on television when we didn't have electricity.

22 Through all this there are some nice things
23 that happened. I want a special thanks to the
24 city agencies who kept the city running,

JEANNE O'CONNELL, R. P. R. (518) 271-7904

67

1 especi ally the police department.

2 (Appl ause)

3 In the 33 years, I have 34 years I have been
4 on Community Board, I have never, ever seen the
5 presence of police. I happened to be in Boston
6 from Tuesday to Wednesday. When I got home
7 Wednesday night, my wife was away for the weekend
8 to get away from the heat, I opened my front
9 door, naturally no lights went on, I went in to
10 try and find a flash light, a patrol car pulled
11 up in front of my house and wanted to know what I

12 was doing. Obviously this is my house, but that
13 presence made a lot of people in the community
14 feel terrific.

15 Our fire fighters as usual were all around
16 putting out the manhole problems. Let's not
17 forget--management was terrible at Con Ed, but
18 the workers who worked in the ditch 12 hours a
19 day to try to bring us electricity, we ought to
20 thank them for the help they gave us.

21 (Applause)

22 I left the same meeting with Peter Valone
23 and other legislators here. There were about
24 over two hundred people there. I asked the

JEANNE O'CONNELL, R. P. R. (518) 271-7904

68

1 question: How many of you know that at 6 o'clock
2 there is going to be a meeting of the Public
3 Service Commission? Not one person raised their
4 hand. If you remove a lot of the personnel here,
5 political people, all these people there, there
6 were more people at that meeting than are here
7 tonight.

8 So when you have the meeting on August 9th,
9 when I run a meeting at Community Board One we
10 notify the people in the area. How? We have our
11 workers go out with fliers and put them in their
12 mailboxes so they know there is going to be a
13 meeting. This way you get a real feeling not
14 only from me, that I am representing the
15 Community Board, and also a resident. But there
16 wasn't enough notification. So I have to tell
17 you do a little better job than that.

18 Thank you very much.

19 (Applause)

20 JUDGE LEE: We are going to take a

21 five-minute break, let the reporter have a rest.
22 We still have plenty of people who want to speak,
23 so we will come back in just about five minutes.
24 (Recess taken.)

JEANNE O'CONNELL, R.P.R. (518) 271-7904

69

1 JUDGE LEE: The next two speakers are Mary
2 Seewald and Rose Marie Poveromo.
3 MS. SEEWALD: My name is Mary Seewald. I
4 have lived in Astoria for close to 60 years and
5 maybe more. I am not telling my age, but at
6 least 60 years, and pretty active in the
7 community. And I am just so appalled at the fact
8 that you have failed us. You as the Commission
9 failed us. Con Edison has failed us.
10 Our politicians, and they ran out, they
11 failed us, because we elect them to represent us
12 in whatever our needs are. We elect them to
13 represent us. I am not just talking about
14 present politicians because this problem has been
15 building, and it finally came to the peak.
16 So, it's politicians going back and
17 including these. There are a few here but I
18 guess they had to leave after they gave their
19 speech. They are not interested in what we have
20 to say. We sat here and listened to them.
21 Now, how do you expect the community to come
22 to these meetings when you do not inform us?
23 (Applause)
24 There was no information except for the fact

JEANNE O'CONNELL, R.P.R. (518) 271-7904

70

1 that we watch Channel One and they gave us that
2 information, but how many people watch Channel
3 One? I don't know. It shows you how many people
4 came. That's your job to inform people in a
5 community if you want to hear what we have to
6 say.

7 I am angry because my husband was taken to
8 the hospital emergency and they admitted him. He
9 was there for four days. I was glad that they
10 admitted him because at least he was given air
11 conditioning and the service that he needed. And
12 that was a result of the loss of power.

13 He had congestive heart failure. Being it
14 was so hot he was drinking more than what you
15 ordinarily would drink and naturally his system
16 was not getting rid of it and was having problem
17 breathing, and we have to take him to the
18 hospital in the middle of the night.

19 Now, there are a lot of people. We are
20 senior citizens. We have all kinds of problems.
21 Why are you adding to our situation instead of
22 helping us?

23 The other thing is: Are you communicating
24 with the community? This area has been building

JEANNE O'CONNELL, R. P. R. (518) 271-7904

71

1 up like crazy. They are taking out one-family
2 home and building, you know, five, six-story
3 houses. Are you communicating with the agencies
4 that are supposed to be doing their--giving them
5 permission to build, but are they aware they will
6 need additional power?

7 I am not, you know, I don't know how the
8 system works or who's responsible, but it's your
9 duty to do what you can for us and Con Edison

10 should not get away with this. They should not
11 get away with this.

12 What else can I say? I am not a public
13 speaker, but I am just so amazed at the fact that
14 this great country that everybody hopefully still
15 looks up to and we find ourselves without power?
16 How would they look at us now?

17 So, I feel that whoever is responsible for
18 this, and there should be some sort of committee
19 formed, they did not do their job. You have a
20 job. Any of us have a job outside, you do not
21 get it, you do not do your job, what do you get?
22 You get fired. That's what they deserve. Get
23 fired. They didn't do their job. That's what
24 they deserve to do, get fired, and hire someone

JEANNE O'CONNELL, R. P. R. (518) 271-7904

72

1 who can do their job, and treat us like human
2 beings.

3 I think that's all. I mean everybody else
4 --thank you.

5 (Applause)

6 JUDGE LEE: Rose Marie Poveromo.

7 MS. POVEROMO: Good evening. I thank you
8 for joining us tonight. My name is Rose Marie
9 Poveromo. I am the president of the United
10 Community Civic Association.

11 There are a great many people who would like
12 to speak tonight. Those are the people you
13 should really be hearing from, even though our
14 elected officials have done a bang up job
15 representing us in this instance.

16 I will read my remarks so that we can move
17 along. With all due respect, let me begin by

18 saying that as state regulators or watchdogs, if
19 you will, at the Public Service Commission, you
20 serve under a name that is, in my opinion, a
21 misnomer, since the public, of which I am one,
22 has not been served or protected by your body.

23 Western Queens, an area housing several
24 major electric power generating plants, received

JEANNE O'CONNELL, R. P. R. (518) 271-7904

73

1 no power for ten days, though 60 percent of it is
2 produced by these plants in our back yard. We
3 do, however, suffer all the negatives, none of
4 the benefits, from these power plants.
5 Unconscionable amounts of toxic emissions, visual
6 pollution, and discrimination by the present
7 administration in Albany are responsible for the
8 siting of these giant polluters in our community.

9 Additionally, we hope this black out is not
10 used as an excuse for the present administration
11 to continue to site in western Queens because we
12 have all the transmission lines. Of course right
13 now none of them are working, but we hope this
14 Governor and the Siting Board, which is not in
15 existence at this point, doesn't put any more
16 power plants in this area. We are known as asthma
17 alley because our children suffer from a great
18 deal of asthma. It's wrong. It shouldn't
19 happen.

20 We have the industrial parks, we have all
21 the power plants, we have none of the positives,
22 all of the negatives. Something has to be done
23 to protect the people of western Queens. There
24 has to be some consensus of what moral

JEANNE O'CONNELL, R. P. R. (518) 271-7904

1 obligations from elected officials, from the
2 Governor, from you in the Public Service
3 Commission, to realize that the people of western
4 Queens have had enough. We have had enough.

5 You ask that we answer your series of
6 questions. I will as briefly as I can. How
7 exactly were you affected by the outages. Well,
8 I am outraged by the outages. I and everyone
9 suffered. No lights, we lived in darkness. No
10 air conditioner. We lived in stifling heat. No
11 refrigeration, no freezers, food spoilage.
12 Everything spoiled. We weren't able to cook
13 because most of our stoves have an electric
14 ignition which starts it.

15 Our appliances are damaged. The
16 refrigerators are damaged, the air conditioners
17 don't work right. Now, I am not an engineer but
18 someone has to realize that Con Ed has to bite
19 the bullet and has to pay for the appliances that
20 were destroyed in each of our homes.

21 (Applause)

22 Do you think you received timely, accurate
23 and adequate information from the company or
24 otherwise about what was happening before and

JEANNE O'CONNELL, R.P.R. (518) 271-7904

1 during and after the service outages? Well, no.
2 We did not receive any information.

3 La Guardia airport went out Sunday night. I
4 live on 81st Street. Some of my neighbors are
5 here. Late Sunday night, early Monday morning,
6 we went out. We are on 81st Street. After that

7 80th Street went out, 79th Street went out, it
8 went all out.

9 We didn't know what was going on because we
10 had no radio, we had no T.V., but I find it very
11 strange that we in the 21st century have a
12 generating company in our neighborhood, we have
13 Con Ed with all the power lines, and they did not
14 know how many people were affected.

15 (Applause)

16 We sent people to the moon. Well, there are
17 a couple of people we would like to send to the
18 moon on the next trip.

19 (Applause)

20 I think it's very sad that Con Ed had to get
21 into cars and travel from block to block to see
22 what houses were dark because they don't have the
23 equipment or the knowledge or the machines or
24 what have you there at Con Edison to find out who

JEANNE O'CONNELL, R.P.R. (518) 271-7904

76

1 is not getting service. They had to go up and
2 down the blocks, and if your house was dark
3 that's how they knew you didn't have electric.
4 That's very sad and it's frightening.

5 This wasn't a major weather event. It
6 wasn't a terrorist attack. It was nothing other
7 than the ineptness, the unconcern and the concern
8 to give back money to the stockholders rather
9 than fixing the transmission lines and the feeder
10 cables under the ground.

11 We in western Queens are in a very unique,
12 sensitive area. We have a major airport. We
13 have a major fuel farm. We have the Buckeye
14 pipeline running underneath the community right
15 to Brooklyn. We have an industrial park, the

16 Grand Central Parkway, Rykers Island, which by
17 the way has its own generator. They were safe
18 over there. They had lights. Now isn't it
19 something that the prisoners had lights. They
20 had refrigeration. There is something wrong
21 here.

22 Something has to be done to protect the
23 people of western Queens. They--Con Edison has
24 to get their act together and you, with all due

JEANNE O'CONNELL, R. P. R. (518) 271-7904

77

1 respect, you have to do your job and protect the
2 public.

3 (Applause)

4 Your name is the Public Service Commission.
5 So, please, when you leave here tonight use your
6 conscience and realize this community needs help.
7 Thank you.

8 (Applause)

9 JUDGE LEE: Denise Nicoletti and Maria
10 Dapontes-Dougherty.

11 MS. NICOLETTI: Good evening. In your
12 question of how the black out affected us
13 personally, after being up the entire night
14 standing outside with all my neighbors, I noticed
15 on Ditmars Boulevard about 5 o'clock in the
16 morning the electrical lines flapping and
17 snapping. It must have been some kind of a power
18 surge.

19 Now, in my house I have lost my television,
20 my telephone. My tenants keep--their circuit
21 breakers keep blowing. I don't know if the wires
22 in my walls are fried in her apartment and I
23 don't know how to find out.

JEANNE O' CONNELL, R. P. R. (518) 271-7904

78

1 had to deal with no refrigeration for insulin.
2 They have breathing problems. They can't walk.
3 They can't get around. They have a freezer that
4 they buy in bulk because they can't walk so they
5 get people to shop for them and they buy in bulk.
6 They lost everything.

7 In addition to the length of the time of the
8 outage, we had a 15-minute biblical rainfall. My
9 neighbors had two feet of water in their basement
10 because the electric wasn't on to pump the water
11 out.

12 I was away. I don't know what happened to
13 my house, but when I came home the rugs were
14 soaking wet and the floors were ruined. This is
15 not something that Con Edison is going to address
16 but we still have to. And everybody, you know,
17 you live paycheck to paycheck. It's challenging.

18 My tenant has a new baby. She came down,
19 the baby was limp in her arms from the heat
20 because there was no cooling mechanism. She
21 finally left and went to stay with relatives, but
22 she was afraid for her child's life. I have been
23 having difficulty trying to--getting headaches
24 and being overheated.

JEANNE O' CONNELL, R. P. R. (518) 271-7904

79

1 Con Ed is asking us even though the power is
2 on to conserve. I have my microwave off. I have
3 my electric clocks off. I have all my lights
4 off. I put my air conditioner on 15 minutes

5 every hour because I don't want to contribute to
6 a possible black out for my neighbors any more
7 than for myself, but it's physically taxing on
8 the body.

9 And in relation to things to do with Con
10 Edison, when they come to you and ask you for a
11 rate hike, I don't know if you ask them
12 specifically what they need a rate hike for but
13 let them give you a list. We want to repair
14 this. We want to repair that. We want to
15 maintain this. And the next time they come to
16 you, before they ask for what they want, let them
17 show you, well, the money you gave us, the money
18 you allowed us, we did something for the people
19 who are using the power. We didn't turn that
20 money over to the investors.

21 Mr. Burke made a comment that it was so
22 important to have this money go first to the
23 investors at that council meeting on Monday. He
24 kept repeating how important it was we have to

JEANNE O'CONNELL, R. P. R. (518) 271-7904

80

1 give them their dividends, otherwise they won't
2 invest in us and then what would we do?

3 They are more important than we are. It
4 really shouldn't be that way. They should prove
5 what they are doing. We had instances with Enron
6 and Tyco where the funds were not used for the
7 company properly. They went to parties,
8 expensive luncheons. Is Con Ed doing this? Are
9 they throwing big parties for executives?

10 There was something in the paper that they
11 said they were very big political donors to the
12 Governor. I don't recall if the Mayor. Maybe

13 that money really should have gone in upgrading
14 the power grid. And do you know if money that
15 they ask--the rate increases, do you know if they
16 used it for the maintenance of lines or are they
17 using that money to pay dividends?

18 I would like to know if any federal funds
19 were designated to maintenance in the area and
20 did that money go for maintenance, to the
21 shareholders, or did it go someplace else?

22 One of my neighbors was having lunch,
23 dinner, I am sorry, right at the beginning of the
24 black out and she happened to be at a table right

JEANNE O'CONNELL, R.P.R. (518) 271-7904

81

1 next to a man who said he was from out of town
2 and here to help Con Ed. He said he couldn't
3 believe how antiquated the system was, how
4 outdated everything was.

5 And another comment that my neighbors and I
6 have been asking among ourselves. Astoria, as I
7 understand, I am only here a few years, Astoria
8 voted down a third generator for Queens about two
9 years ago. A lot of people are asking: Was this
10 black out initially taken of the attitude we will
11 let a few of them go out for awhile, see how they
12 like it. Maybe they will be more receptive to a
13 new power plant and maybe it got out of control.
14 It is a possibility.

15 Those are my comments. Thank you.

16 (Applause)

17 MS. DAPONTES-DOUGHERTY: Hi, my name is
18 Maria Dapontes-Dougherty. I would like to give
19 you just a slight synopsis of what we lived
20 through.

21 Day one, power is out. We have cable

22 television and a brown light bulb. Try to turn
23 the air conditioner on, doesn't work. Turn the
24 battery operated radio on, La Guardia airport is

JEANNE O'CONNELL, R. P. R. (518) 271-7904

82

1 down, no power. Another radio station, La
2 Guardia airport is down. Funny, all my neighbors
3 have no electricity. All my friends have no
4 electricity. Nothing.

5 Called Con Edison, you get a recorded
6 message. There is eight percent voltage
7 reduction in the areas of Woodside, Astoria and
8 Sunnyside. An eight percent reduction would be
9 from 110 you would go to 90? That should mean
10 that some of my appliances should work, that
11 light bulb shouldn't be brown like the first one
12 Ben Franklin lit with a kite.

13 Okay, call again. Eight percent reduction
14 again. Now I get flustered. I wait to speak to
15 someone. They tell us they don't know that we
16 have no power. It's just a slightly lower
17 voltage.

18 We live in a community where we speak to our
19 neighbor. For me, thank God, I had a cell phone.
20 A lot of us have internet phones so a lot of
21 people couldn't call Con Edison. If you had an
22 internet phone service, you're down. We had cell
23 phones, well, until our batteries went dead. At
24 that point we knew from the 40s up until 81st

JEANNE O'CONNELL, R. P. R. (518) 271-7904

83

1 Street, from Grand Central Parkway over to 20th

2 Avenue, was down.

3 Okay, next day. La Guardia airport might be
4 up, four hundred families were affected. Just
5 the condominiums, just one condominium complex on
6 upper Ditmars is four hundred families.

7 Day three, it's still four hundred families.
8 People are talking--all looking at each other.
9 We're getting frustrated. We're calling our
10 legislators. They are calling Con Edison. You
11 would assume I am just a citizen, you're not
12 going to give me an answer, but my City
13 Councilman, my State Assemblyman, they are not
14 getting any answers. Nothing whatsoever.

15 Wednesday, call our politicians, can't get
16 through, phones are down. They can't help the
17 seniors. They can't help the community. They
18 can't hear what's going on from anyone because we
19 can't talk to them. They have no phone system.

20 Thankfully, Thursday morning Mike Giannaris
21 holds a press conference. Our legislators are
22 there. All of a sudden the whole city that has
23 no idea this vast community, this vital community
24 has no power, finds out the truth. All of a

JEANNE O'CONNELL, R. P. R. (518) 271-7904

84

1 sudden Con Edison boosts their number up to 1700
2 until pressure from the community and people
3 screaming it's not even 1700.

4 We probably--Rosemary and I alone knew 1700
5 people that were down. Then the numbers went up.
6 Then the attention came.

7 How is it in the year 2006--I am into
8 technology. I assumed Con Ed sat in an office
9 like the war zone, the war room, and they could
10 look on any screen and tell you if my house is

11 up, if that block is up, if that block is down.
 12 Couldn't they at least even see that all of a
 13 sudden there was such a lower usage rating that
 14 it had to be more than four hundred families?

15 How could it be in the year 2006 in New York
 16 City that we don't have a way for Con Edison to
 17 be accountable to show us and to know who has
 18 power and who doesn't.

19 When the power started coming up we were
 20 getting phone calls from Wisconsin, phone calls--
 21 looking at caller ID figuring I'm not going to
 22 answer the phone--Wisconsin, with a recorded
 23 message stating on behalf of Con Edison we would
 24 like to know whether you have power. If you have

JEANNE O'CONNELL, R. P. R. (518) 271-7904

85

1 power, press one. If you have partial power,
 2 press two. If you have no power at all, press
 3 three.

4 CHAIRMAN FLYNN: Can I ask you a question?
 5 Did somebody identify themselves from the phone
 6 saying we are calling you from Wisconsin?

7 MS. DAPONTES-DOUGHERTY: No, I have caller
 8 ID. The phone call was from Wisconsin. It's an
 9 automated service. It was not a live person
 10 speaking to us. You just press one, two or
 11 three. That was the means of communication to my
 12 community.

13 Then I think maybe the next day or maybe
 14 even that afternoon Con Ed started to knock on
 15 doors, hi, is your power off? I would think that
 16 would go on like in the 1800s. This is 2006 and
 17 this is how a power company that makes a lot of
 18 money, that unfortunately takes their profit and

19 spends it on their executives' bonuses and on
 20 profit sharing instead of on this community.
 21 This is a great community. There is no
 22 looting. There were no robberies. Thankfully
 23 nobody died because we stuck together, because we
 24 looked out for our seniors, we made sure our

JEANNE O'CONNELL, R.P.R. (518) 271-7904

86

1 children were okay. Thank God for NYPD, they
 2 came out full force and they helped us, but in
 3 2006 that's how it's done?

4 I would like to know how much money in
 5 bonuses Mr. Burke and his executives got. I
 6 would also like to know how much money was
 7 actually put into this community because to find
 8 out from people that our network is 50 to 80
 9 years old, you would expect it to blow up. You
 10 totally would.

11 There has to be accountability and there has
 12 to be communication. When even our legislators
 13 weren't being told the truth of what was going on
 14 is absolutely unacceptable. Thank you.

15 (Applause)

16 JUDGE LEE: Next speaker is John Soccoli.

17 MR. SOCCOLI: My name is John Soccoli, I was
 18 born and raised in Astoria, and I also have a
 19 two-year-old toddler. And I want to just give
 20 you what I feel that I think that Con Edison
 21 really didn't do, which I think if they wanted to
 22 show compassion--everyone here spoke about a lot
 23 of different things. I just want to point out
 24 one item and try to express that, is that it's

JEANNE O'CONNELL, R.P.R. (518) 271-7904

1 2006 and we have no way of communicating other
2 than the television.

3 We basically, the T.V. and the radio is the
4 only way that we have information told to us
5 because most of the times we will catch it at
6 home. I was lucky watching this morning that I
7 knew about the meeting because otherwise I
8 wouldn't. I don't think there was enough
9 information put out about this meeting because of
10 the million people I think that live in the
11 neighborhood, I don't think it's a good example
12 of having about 70 people showing up.

13 So, even though some people did come and are
14 expressing their views, I don't think it's the
15 larger part of the community because they weren't
16 made aware of it.

17 The point I really want to express is this.
18 The point I came up here to talk was this. If
19 Con Ed knew that we were going to have a brown
20 out why weren't we told to turn off our
21 appliances so that when they did turn the
22 electricity back on, okay, we wouldn't have power
23 surges, right?

24 It would have been easy--I mean they kept

JEANNE O'CONNELL, R. P. R. (518) 271-7904

1 talking on T.V. about La Guardia airport's
2 closed, La Guardia airport's closed, but I have a
3 refrigerator in my basement now that I don't know
4 if it works or not, but thank God it's less than
5 a year old. It's still under warranty.

6 Now the poor company I bought it from is
7 going to be taxed. Why? I am going to bring

8 that refrigerator back to them and say, listen,
9 it's less than a year old, I got the receipt, I
10 want another refrigerator, but it's not really
11 the fault of the manufacturer of the
12 refrigerator.

13 How many people are going to lose money with
14 computers, their refrigerators or appliances,
15 because when they were--when the power got turned
16 back on they got a power surge? It would have
17 been very easy to go on T.V. and say, listen, you
18 guys lost power. Do yourselves a favor. Turn
19 off your computers. Public service
20 announcements. That's all it would take.

21 They knew that they were going to brown the
22 place out and they knew we did lose
23 electricity--matter of fact, I lost electricity
24 again yesterday and I only got it turned on this

JEANNE O'CONNELL, R. P. R. (518) 271-7904

89

1 morning. I ran down the block and manhole covers
2 blew out.

3 I called Con Ed to tell them that the
4 electricity went out again and they said they
5 didn't know anything about it. There was a Con
6 Ed truck on the corner. That was 28th Street and
7 Astoria Boulevard.

8 Gees, I'm like there's got to be a
9 better--listen, nothing is perfect, nothing is
10 perfectly right all the time, but there is got to
11 be some way to communicate to the public who's
12 getting damaged by this so that they might be
13 able to take some way of helping themselves so
14 they don't take a major loss of what they did.

15 For the poor manufacturer of the
16 refrigerator that I bought, he's going to get

17 taxed. How many other people who have small
18 appliances and stuff like that who lost them are
19 going to take that tax? Thank you.

20 (Applause)

21 CHAIRMAN FLYNN: I just want to interrupt
22 real quick because several people have talked
23 about whether there was sufficient or enough
24 notification for tonight's meeting. I apologize

 JEANNE O'CONNELL, R. P. R. (518) 271-7904

90

1 if we didn't get out the information in a timely
2 manner. We had an opportunity, because we had a
3 lot of staff down here, to do an additional
4 meeting and therefore we did.

5 We have four more scheduled for next week,
6 and throughout the investigation when we feel
7 it's prudent or we are requested by the elected
8 officials or, quite frankly, the community to
9 come down to do more hearings, we will do more
10 hearings.

11 So, I just want to interject and apologize
12 if there wasn't enough information. I talked to
13 the elected officials and they are going to
14 help--we are going to contact them and try to get
15 the word out to more people for the upcoming four
16 hearings next week and hopefully some more in the
17 future.

18 JUDGE LEE: The next speaker is George
19 Dourdownus.

20 MR. DOURDOWNUS: Perfect timing because your
21 apology is more than accepted. Thank you for
22 having the meeting and Channel One news, which
23 I let me know.

24 311 I called three times today. There is

JEANNE O' CONNELL, R. P. R. (518) 271-7904

91

1 not much local news other than Channel One. It's
2 part of the same problem. We live in the shadow
3 of Big Alice, the monster local generating
4 facility, and they don't generate local power.
5 What I would ask you please to do is to think
6 about incentives for landlords to put solar
7 panels on their roofs. There's absolutely no
8 reason to have low voltage power on a local
9 level. That's the number one recommendation and
10 statement.

11 You will have other meetings I hope to come
12 to. I would in the future like to discuss the
13 dangers of switching from Con Ed to the local
14 supply companies. I did last November. My
15 average bill was about \$90 a month. It jumped to
16 \$180, and I spent \$120 a month for three months
17 paying Hudson Supply Company for supplying what,
18 I don't know. I didn't see any Hudson Supply
19 Company trucks out there.

20 So, thank you, Con Ed, and everyone for
21 being up there. It's a local issue. We can
22 handle it locally. Thank you.

23 JUDGE LEE: The next speaker is Sean Patrick
24 Maloney.

JEANNE O' CONNELL, R. P. R. (518) 271-7904

92

1 MR. MALONEY: Good evening. My name is John
2 Maloney, Democratic candidate for Attorney
3 General of New York.

4 One of the things I learned tonight I think
5 is interesting is while I am here my three kids

6 are at home in an apartment on 28th Street in
7 Manhattan without air conditioning or without an
8 elevator that works, so the black out didn't just
9 affect people in Queens, it affected everybody.
10 And I don't know that we've seen the end of the
11 problem.

12 I have been listening with great interest.
13 I really want to thank the members of the
14 community for educating me on exactly what went
15 on here tonight. I just think you deserve so
16 much better.

17 And, you know, somebody asked about
18 Republican--the campaign contributions involved
19 for the Governor and the members of the
20 Commission. I think it's important to put on the
21 record some information so the community
22 understands that the Public Service Commission is
23 appointed entirely by Governor Pataki, all five
24 members, and that four of the members are

JEANNE O'CONNELL, R. P. R. (518) 271-7904

93

1 significant campaign contributors to the
2 Governor, ranging from \$4,000 since the year
3 2000--that would be you, Chairman Flynn, although
4 you were lagging the pack because the leader is
5 at \$186,000, \$186,000 just since 2002 made
6 political contributions, one of the Commissioners
7 on the Public Service Commission, and in total
8 Con Ed gave more than \$745,000--well, paid in
9 lobbying fees, which is probably even worse, in
10 campaign contributions since 1999.

11 And Governor Pataki, I think it's important
12 for people to understand, received \$315,000 in
13 campaign contributions just since '99 from Con Ed

14 and other utilities. And that is the person who
15 appoints the five of you who are investigating
16 Con Ed's failures.

17 That would be bad enough except that we have
18 been here before. And in 1999, the people of
19 Washington Heights and in Inwood suffered a black
20 out, we heard a little bit about that tonight,
21 and what happened then is what you are doing now.
22 There was an investigation by the Public Service
23 Commission. I have it here. I have read it.
24 But what also happened that time was the Attorney

JEANNE O'CONNELL, R. P. R. (518) 271-7904

94

1 General of New York, Eliot Spitzer, ran his own
2 investigation and he prepared a hundred page
3 report, which I have also got, which I read,
4 which says some sensible things, the 13 specific
5 recommendations.

6 Four of them were directly implicated in the
7 current issue. Feeder cables overheating
8 especially in black outs, testing test cables
9 before they fail, better emergency communications
10 so people know how big the problem is, who's
11 affected, what they should do about it, and
12 lastly, better compensation for people if they
13 are affected by a black out.

14 And the striking thing is that all these
15 recommendations were given to you, the Public
16 Service Commission, six years ago in March of
17 2000. And so my question is: What did you do
18 about it, and what if anything are you going to
19 do now that's different? Why should this
20 community have any more confidence in your
21 ability to investigate and get to the bottom of
22 this, number one.

23 And number two, would you support expanding
24 the authority of the Attorney General to

JEANNE O'CONNELL, R. P. R. (518) 271-7904

95

1 investigate Con Ed directly? Because it seems to
2 me we need an additional investigator looking
3 into Con Ed. That's one of the things I would
4 like to do if I get a crack at the job. Thank
5 you very much.

6 (Applause)

7 I suppose it's fair to say while you haven't
8 done the investigation of Con Ed and so the jury
9 is still out on that, I am not sure why you
10 couldn't answer folks right now about what the
11 PSC did in the last six years in the Attorney
12 General's last investigation or your own. Thank
13 you.

14 (Applause)

15 JUDGE LEE: Is there anyone else who filled
16 out a card who hasn't had an opportunity to
17 speak? I don't see anybody else interested in
18 speaking.

19 We would really like to thank everybody for
20 coming. We will close out the hearing at this
21 point and we really appreciate all the effort
22 that you took to come here and make these
23 statements and let us know what's going on.

24 If you could spread the word to your

JEANNE O'CONNELL, R. P. R. (518) 271-7904

96

1 neighbors and your friends and everyone you can
2 think of about the four hearings that we are

holding next week.

Two of them will be here next Wednesday, 2:30 and seven o'clock. As the Chairman said, there will be a Commissioner of the Public Service Commission at each of the hearings to hear directly your comments and your neighbor's comments. And there will be two more at La Guardia Community College on Thursday, August 10th, at one o'clock and seven o'clock.

We also encourage you to write and e-mail and to call us. The information is back there on sheets that the department staff has to give you. If you could encourage your neighbors and friends to do that, we really want your input so staff's investigation can be well informed. And there will be another Commissioner and another ALJ and the reporter will be back, so the record will be complete at this point.

SPEAKER: Will you not yourself inform the community about these meetings?

JUDGE LEE: We will do what we can. We certainly will do what we can.

JEANNE O'CONNELL, R.P.R. (518) 271-7904

97

CHAIRMAN FLYNN: Right now there are staff here. And you can correct me if I am wrong, we have the information up on our web site, which is www.--I'll write it down for you.

SPEAKER: A lot of these people are not on the website.

CHAIRMAN FLYNN: I talked to all the elected officials who have all the constituents in their district who have contacts in each one of the offices. We are going to call tomorrow and coordinate some way to better get the word out to

12 their constituents because they are the ones
13 affected by the outages.

14 If you have any other ways, any suggestions
15 as to how we can also reach out to your
16 community.

17 SPEAKER: Could you ask them to put fliers
18 up in the train station and stores so people can
19 see them.

20 CHAIRMAN FLYNN: I have three
21 representatives from my New York City staff and I
22 will talk to them about getting out in the
23 community, get some fliers here.

24 SPEAKER: Thank you.

JEANNE O'CONNELL, R.P.R. (518) 271-7904

98

1 CHAIRMAN FLYNN: Do we have fliers here
2 about next week?

3 SPEAKER: We have a supply. If you would
4 like them, please see us.

5 CHAIRMAN FLYNN: Any other ideas on how to
6 get the word out?

7 SPEAKER: Television, radio, New York Metro.

8 CHAIRMAN FLYNN: All great ideas, thank you.
9 Any other ideas?

10 SPEAKER: Churches.

11 CHAIRMAN FLYNN: Churches, okay. Again, the
12 four we are doing next week will probably not be
13 the last ones, so throughout the investigation we
14 are going to take quite some time because of the
15 complaints. We will continue to do these
16 hearings also and please feel free to come back
17 again. Thank you for coming.

18 (Hearing concluded.)

19

20

21

22

23

24

JEANNE O' CONNELL, R. P. R. (518) 271-7904