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1 STATE OF NEW YORK  
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4 Case 06-M-1078 - Proceeding on Motion of the Commission  
5 to Audit the Performance of Consolidated Edison Company  
6 of New York, Inc. In Response to Outage Emergencies.

7 Case 06-E-1158 - In the Matter of Staff's Investigation  
8 of Consolidated Edison Company of New York, Inc.'s  
9 Performance During and Following the July and September  
10 Electric Utility Outages.

11 -----  
12 Public Statement Hearing  
13 Town Hall  
14 177 Hillside Avenue  
15 Greenburgh, New York

16 October 12, 2006  
17 2:00 p.m.

18  
19  
20  
21  
22  
23 PRESIDING:

PATRICIA ACAMPORA, Commissioner

ELEANOR STEIN,  
Administrative Law Judge

24 Reported by: Jeanne O'Connell, R.P.R.  
(518) 271-7904

ORIGINAL

1           JUDGE STEIN: Let's begin. It's 2:00. Let me  
2 thank you all very much for attending this public  
3 statement hearing. My name is Administrative Law Judge  
4 Eleanor Stein with the New York State Public Service  
5 Commission, and we also have with us today Commissioner  
6 Patricia Acampora.

7           This is a public statement hearing. Our goal  
8 here is to listen to you and hear what you have to say  
9 about the Con Edison outages that took place in  
10 Westchester in July and September of this year. And as  
11 you see, we have a court reporter who will be taking  
12 down your statements, so please be aware of her as you  
13 speak and make sure she has time to capture your remarks  
14 accurately, because those remarks will be put into the  
15 official record of the public statement of the Public  
16 Service Commission proceedings that are at issue today  
17 and they will be considered by the Commission when it  
18 makes its final determinations in these matters.

19           This hearing is to collect information for two  
20 pending cases before the PSC. One is case 06-M-1078, a  
21 Proceeding on Motion of the Commission to audit the  
22 performance of Consolidated Edison Company of New York  
23 in response to outage emergencies. And the second case  
24 is 06-E-1158, which is a staff investigation of

1 Consolidated Edison Company's performance during and  
2 following the July and September electric utility  
3 outages in Westchester County.

4 In addition to our being here to hear your  
5 statements, we do have several members of the Department  
6 of Public Service staff who are participating in those  
7 proceedings, and you will be able to talk with them off  
8 the record after this hearing concludes. And there are  
9 also representatives of Con Edison here if you have  
10 questions for them.

11 These proceedings at the Commission were  
12 instituted in an immediate response to the service  
13 outages that took place at the time of Tropical Storm  
14 Ernesto beginning on September 2, 2006, and in response  
15 to complaints by Con Edison customers about the  
16 company's responses to the outages. Complaints about  
17 delayed restoration of power, communication problems and  
18 customers' sense that they were not getting adequate or  
19 accurate information.

20 This proceeding is going to be an independent  
21 audit of Consolidated Edison's systemwide operations,  
22 practices and procedures as they relate to emergency  
23 situations like this one.

24 The second case is an investigation by the

1 department staff of filings which Con Edison is required  
2 to make following an outage of this magnitude. And our  
3 staff will be reviewing those filings and reporting on  
4 the adequacy of the response to the Commission. Those  
5 are the two proceedings in which your testimony will  
6 form a part of our official record.

7 So, what I would like to do is if you haven't  
8 filled out a card, please do so, and I will call the  
9 speakers in the order in which they signed up. So why  
10 don't we begin to hear your statements. I would like to  
11 call on Mr. Paul Feiner, please.

12 MR. FEINER: My name is Paul Feiner. I am the  
13 Greenburgh Town Supervisor and I would like to thank you  
14 very much for holding the hearing in Greenburgh. I had  
15 no excuse. I couldn't miss the meeting because it was  
16 just down the hall.

17 I really do appreciate your reaching out to the  
18 public and my comments will be very brief. I just have  
19 some points. There are some people in Greenburgh who  
20 were out one time, like myself, I was out for a few  
21 days. Other people were out twice. Other people were  
22 out three times. There was some people out five, six or  
23 even seven times this year.

24 And I feel that one of the action steps that Con

1 Ed should take, and the Public Service Commission should  
2 give some consideration to, is having Con Ed do an  
3 inventory of all the properties that have been out, see  
4 if there has been repeat outages, and to give more  
5 attention to those neighborhoods that have been out many  
6 times. For example, Holbrooke Road in Scarsdale, which  
7 is the Edgemont section of Greenburgh, they have been  
8 out numerous times, I think probably six, seven times  
9 this year. I got complaints in September before the  
10 storm that they were out.

11 There is other streets in Ardsley, I think Faith  
12 Lane in Ardsley. They were--I got an e-mail from Dannel  
13 Ansel on Monday. They have been out almost every week  
14 for a minute, five minutes, could be longer, but on  
15 those streets we should be proactive. We don't have to  
16 wait for a storm. We could maybe find out how come is  
17 there one street that's getting a lot of problems and  
18 other streets aren't. Maybe part of the problem is the  
19 town's problem, maybe it's not all Con Ed's fault, maybe  
20 Con Ed should alert us and maybe we should be doing a  
21 better job either trimming some of the trees or cutting  
22 down trees. If we work as a partnership I think we can  
23 avoid some of these problems.

24 I am very--another point that I would like to

1 make is I'm very pleased Con Ed is going to be doing a  
2 study about underground, putting in the wires,  
3 powerlines underground. I think that's a really  
4 important step. I do just want to mention, because this  
5 is something that I really feel strongly about, if we  
6 have outages every ten years nobody is going to say we  
7 should put the power lines underground. Every six weeks  
8 or every eight weeks it's a different story because then  
9 it costs--there's a better cost/benefit ratio. There is  
10 more benefits to doing it than not doing it.

11 But if Con Ed does consider having the power  
12 lines underground it could be done in a phased in  
13 situation. It doesn't have to be done all at once. For  
14 example, this winter Dobbs Ferry high school was I  
15 believe out of power for a number of days. There were  
16 other schools that were out of power. Perhaps you may  
17 want to have underground power lines near the schools or  
18 near Central Avenue, on those grids, so the priority  
19 streets would not--would have less of a chance of having  
20 major problems.

21 Another concern that I have, and I would say this  
22 is probably one of the biggest concerns, is the  
23 attention we give to people who have disabilities.  
24 There is one individual in the town who has Lou Gehrig's

1 disease. He depends on an oxygen tank in the evening.  
2 I called Con Ed in the winter about him. I called them  
3 in the summer about him. I even called in the fall,  
4 when we had the outages. Got nowhere.

5 I kept calling. One weekend I bicycled to their  
6 street because it's in Hartsdale. They were still out.  
7 I called Con Ed on my cell phone. They said, okay,  
8 we'll take his name. I said, I have advised Con Ed.  
9 Still no reaction. It took two or three days after I  
10 called for him to get service.

11 There is another person who had a double lung  
12 transplant and had major medical problems. I kept  
13 calling and calling and calling and every time I was on  
14 the phone, the people who I spoke to were really nice at  
15 Con Ed and I felt I was getting somewhere, but a day  
16 later if I checked up on them they still were out of  
17 power. That's something that I really feel should be  
18 given the highest priority or attention because if  
19 somebody is on life support and we are not addressing  
20 the problems adequately, they could die.

21 I know that's a problem. The person who has Lou  
22 Gehrig's disease, he was written up in the New York  
23 Times. He's a retired dean at Columbia, was honored by  
24 Kofi Annan and all these people around the world and he

1 couldn't even--he retired because of Lou Gehrig's  
2 disease and he couldn't even get his power on.

3 Another thought that I had, and actually just  
4 thought of this about 15 minutes ago so it's not totally  
5 thought out, but I thought it would be interesting if  
6 Con Ed could have sort of a website and show on the  
7 website where they are every single day, because  
8 everybody I speak to, they always are saying that, you  
9 know what? I see no trucks out there.

10 Then you call Con Ed and they say, we have  
11 hundreds of people out there trying to get power back  
12 on. And even if people are out of power they may not be  
13 out of power at work. If Con Ed had like a public grid  
14 and public map and said, these are where we are right  
15 now. And let's say there is a thousand people in  
16 Edgemont who are out of power but the people when they  
17 go on the computer see there is Con Ed trucks on seven  
18 or eight streets, they are going to feel better because  
19 they are going to know they are in the neighborhood.

20 People are frustrated when they don't see the  
21 trucks and they don't see the Con Ed trucks, but if they  
22 actually did see them or knew they were around I think  
23 it would make people feel better.

24 And then the final point that I have and, again,

1 I apologize for taking up your time.

2 JUDGE STEIN: That's why we are here.

3 MR. FEINER: I had two other brief thoughts. One  
4 is that I thought Con Ed should purchase in bulk  
5 generators and offer to install them at reduced rates.  
6 I live in a condo but I have a difficult time changing  
7 my wrist watch so when I look at putting a generator,  
8 it's something that I really wouldn't feel comfortable  
9 doing it myself, but perhaps if Con Ed offered people  
10 reduced rates to put the generators in, and then they  
11 would actually install it for a fee, this is a way we  
12 could be proactive and people who really depend on the  
13 service then would have the option of having more of a  
14 guarantee that they are actually going to get the  
15 service.

16 And the last thing I was going to say is  
17 penalties I think should be imposed on those who have  
18 outages for longer periods of time. If you are out for  
19 one day and there's a storm I can see Con Ed's point.  
20 You know what? It's storm related, everybody shouldn't  
21 be entitled to a refund, but if somebody is out for five  
22 days or six days maybe when there is prolonged outages  
23 there should be more refunds.

24 That's basically the comments I have. And again,

1 I really do thank you for taking the time to listen.

2 JUDGE STEIN: Thank you very much. Let me just  
3 point out that I believe there is in Con Ed's tariff  
4 there are somewhere adjustments for the length of  
5 outage. You might want to check with them or have them  
6 check with you.

7 MR. FEINER: Every person who I have spoken to  
8 who has been out of power has gotten a rejection letter.  
9 And again, I know my wife was really frustrated in the  
10 winter and we were out and didn't get refunds. My  
11 sister was out I think three times this year and she  
12 hasn't been reimbursed at all. And one of the concerns  
13 that people had was after the July storm they thought  
14 they would get refunds but they actually never did.

15 JUDGE STEIN: Well, I encourage people to file  
16 their claims and to pursue them and ultimately if they  
17 choose to file a complaint, a consumer complaint with  
18 the Public Service Commission as a result of their  
19 perceived inappropriate treatment by the utility, we  
20 invite people to do that.

21 COMMISSIONER ACAMPORA: Our consumer department  
22 is able and willing to take all complaints that come in  
23 and work with the customers to see if there can be some  
24 assistance to them.

1 MR. FEINER: Thank you.

2 COMMISSIONER ACAMPORA: Thank you,  
3 Mr. Supervisor. You have a beautiful facility here.  
4 Just looking at the wall I feel comfortable being from  
5 the PSC. My mother was a supervisor so I know that the  
6 buck stops at the supervisor's desk. I know people will  
7 find you wherever you go, anywhere you go.

8 MR. FEINER: Thanks a lot, and come back often.  
9 So, thank you.

10 JUDGE STEIN: Our next speaker is Mrs. Rise  
11 Stern.

12 MRS. STERN: First I want to thank you for saying  
13 my name correctly. Most people don't.

14 My name is Rise Stern and I live in White Plains.  
15 I am a semi-retired New York City school teacher. I am  
16 going to read the letter that I sent to Con Ed with my  
17 claim form. I only filed a claim after the September  
18 outage because, while we had outages last winter and the  
19 big outage in July, I was kind of more tolerant. And by  
20 the time this happened the third time and I actually  
21 lost a second full freezer load of food, I was no longer  
22 as kind to Con Ed. And their bill came the same day the  
23 power was restored.

24 I did not include this little paragraph. At

1 about 10:00 a.m. on September 2nd our power went out and  
2 remained off for about one hour. By early afternoon,  
3 sometime around 12 or one, it was back on. The rest is  
4 going to be the letter.

5           Gentlemen, I am submitting this claim based on  
6 the following facts. At 9/2/06 at 5:00 p.m. the power  
7 went out. I called Con Ed to report the outage. On the  
8 3rd, at 1:00 a.m., a repair person locates the problem,  
9 removes the limb, cuts the wire, rolls the wire, and  
10 places it at the base of a utility pole on Holbrooke  
11 Road, the south side, near Adrienne Place in White  
12 Plains.

13           On September 3rd, throughout the day, I am in  
14 touch with Con Edison. Each time I call I am told that  
15 the problem has been fixed. I report that the problem  
16 has not been fixed and we are still without power. At  
17 8:00 p.m. on September 3rd a truck arrives to  
18 permanently attach wires to a pole that was left tied to  
19 tree limbs after the storm at the end of July. They  
20 tell me that they must stop working at 9:00 p.m. because  
21 they have been working for 16 hours but they will try to  
22 restore the power even though that's not what they came  
23 for. They leave the area at 9:00 p.m.

24           On the 4th, the following morning, at 9:30 a.m.,

1 I called Con Edison to ask if there is an estimated time  
2 for our power to be restored. Again, I am told that the  
3 problem has been fixed and we should have power. I am  
4 told that the men who had been here at 8:00 p.m. the  
5 previous night should have returned after eight hours  
6 off to finish the job and restore our power. I report  
7 that no one has been here for 12 and a half hours and  
8 the power is still out.

9 At 2:00, four trucks arrive and wait on Holbrooke  
10 Road on the north side for a supervisor from Con Edison.  
11 They ride through the area around both sides of  
12 Holbrooke Road and around Patricia Lane and see the wire  
13 rolled up and placed at the bottom of the pole.

14 They begin to work to restore the electricity.  
15 Adrienne Place is restored along with parts of Holbrooke  
16 Road. The supervisor comes to see that our electric  
17 meter is still not working and realize we must be put on  
18 to a different phase. At 3:00 p.m. our power was  
19 restored.

20 Every time I called Con Edison on September 3rd  
21 and 4th I was told that the job had been completed. I  
22 was told that the power has been restored. Obviously  
23 someone was not entering information into your database  
24 correctly.

1           And at no time was I told that Con Ed was  
2 distributing dry ice at the Bloomingdale's parking lot  
3 just two miles from my home. It was later reported in  
4 the Journal News Con Edison posted information about dry  
5 ice on the internet, not available to people without  
6 electricity.

7           I'm submitting the claim because the people cut  
8 the wire and did not restore the power as reported to  
9 your offices. If they had reported the truth every time  
10 I called I wouldn't have been told the power had been  
11 restored. I look forward to your prompt attention to  
12 this matter.

13           Now, let me add that I am familiar with the  
14 problems of the wires that provide electricity to the  
15 Holbrooke Road, Main Place, Patricia Lane and Adrienne  
16 Place area. In June 1976, my parents moved to number  
17 one Adrienne Place and owned their home until December  
18 1996. While I lived around the corner on Ria Drive and  
19 was on a different line and a different grid, there were  
20 many times when the transformer blew, causing Holbrooke  
21 Road and the adjacent streets to be without power.  
22 Since 1991, when I moved to Bayne Place, I too have  
23 experienced many outages.

24           In the past 12 months I think it was four times

1 that we lost our electricity. There is definitely  
2 something wrong with the way in which these wires are  
3 maintained and serviced. It is time for Con Edison to  
4 be held accountable for the problems they cause through  
5 lack of proper maintenance and upkeep of equipment.

6 I have been told by Con Edison people who have  
7 come to fix the wires at other times that there have  
8 been temporary repairs made and have never been made  
9 permanent, so that it appears that it's been fixed and  
10 it's not. It was also explained to me by one of the  
11 very kind people who I spoke with throughout the weekend  
12 of Labor Day that one of the reasons for confusion with  
13 a report being marked as completed is if many of the  
14 neighbors call, they then consolidate the claim but it  
15 shows up on the computer as having been serviced and  
16 fixed.

17 So, there is something wrong with the Con Edison  
18 phone or computer system or data entry system that makes  
19 for confusion. Every one of my neighbors, and I found  
20 neighbors that I didn't even know existed, every one of  
21 them was out on the street over that weekend and  
22 everyone was talking about the fact that when they  
23 called in the morning, or late in the afternoon, they  
24 were told that the problem had been fixed and it wasn't.

1           So, we were all getting the same kind of answers,  
2 which meant that they had to reopen it every time  
3 because it was marked as being closed and fixed.

4           JUDGE STEIN: Thank you very much.

5           County Legislator Abinanti. He's not here yet.  
6           Elinore Gordon.

7           MS. GORDON: Good afternoon and thank you for  
8 giving us this opportunity to address problems and  
9 questions. Personally, I don't have a problem with Con  
10 Ed. I only had one outage this year and it was fixed  
11 within two hours. Unfortunately, no matter what your  
12 business is one usually hears the complaints and one  
13 does not hear from a satisfied consumer.

14           And even though I have lost power several times  
15 through the years, I don't feel any of them were  
16 excessive and I was able to survive without any  
17 complications. I read in the paper, I am not sure I  
18 have the correct amount, that it would cost a million  
19 dollars a mile to put the wires underground, and if that  
20 burden is going to fall on the consumers I would be  
21 opposed to underground wires.

22           I also, as a homeowner and senior citizen, don't  
23 wish to subsidize underground wires if they are only  
24 going for schools and commercial buildings. If schools

1 and commercial buildings feel they have to be open  
2 during an outage, and I certainly don't feel a school  
3 has to be open during an outage, then they should pay  
4 for their own back up generators.

5 I would also like to make a suggestion that could  
6 be passed on to Consolidated Edison, that if someone  
7 does call up with an outage and they realize that they  
8 have multiple outages and they are not going to be able  
9 to repair them that quickly, that these people that call  
10 should be told where ice can be obtained, because when  
11 you are in the dark and it's hot or in the dark and it's  
12 cold, you are not always thinking correctly. You don't  
13 have access to your computer. It's too dark to read the  
14 newspapers. And you could have ice, as Rise said, two  
15 miles away and not be aware of it.

16 Now I have a question, and this concerns my  
17 neighbors and myself. In the Woodhill Civic  
18 Association, in which this building happens to stand, we  
19 have very big trees here. When the houses were built 40  
20 or 50 years ago they didn't cut down the trees. They  
21 built the houses in between the trees. A tree will  
22 stand on one person's property, hang over the second  
23 person's property, and then hang over the multiple  
24 layers of wires that are on the poles. I would like to

1 know who is responsible for maintaining and trimming the  
2 wires that hang--maintaining and trimming the tree limbs  
3 that hang over the wires.

4           Through the years I have called Con Edison, the  
5 telephone company, and anyone that I could think of who  
6 might have a wire up there and they have all said--if I  
7 call the telephone company they said it's Con Ed's pole.  
8 If I call Con Ed it's the telephone company's pole and  
9 so on. There are people who are willing to report limbs  
10 that are even resting on wires but to whom? We have no  
11 clue.

12           So, I would like some sort of clarification.  
13 Statement of whom to report it to and legally who is  
14 supposed to take care of this, because I am in the dark.  
15 I have no pun intended, but I have no idea what to--and  
16 of course now that the new telephone poles are put in or  
17 utility poles, whatever you want to call them that are  
18 even higher, the wires are even higher, so you have more  
19 tree limbs that are on them.

20           In fact, a tree that was just cut down that was  
21 across the street that was cut down by the homeowner,  
22 that was actually reaching all the way across the street  
23 to the wires on the opposite side.

24           Again, I thank you for the opportunity to speak.

1           JUDGE STEIN: Thank you. Let me suggest there  
2 are representatives from Con Edison people. If you want  
3 to speak to them off the record about the tree trimming  
4 problem I am sure they will be happy to help you.

5           MS. GORDON: Thank you.

6           JUDGE STEIN: Tom Gordon.

7           MR. GORDON: I would like to just expand a little  
8 bit on what my wife said. A little more detail. I  
9 don't know if it's appropriate, but it's my chance to  
10 get on the record. I have been calling for years hoping  
11 for somewhere preventative maintenance. I called Con  
12 Ed, called Verizon, called the cable company.

13           Con Ed has a high voltage power line put up there  
14 on new poles. They have the regular 220, 120 voltage  
15 power line below it. There is a brand new fiberoptic  
16 cable belonging to Verizon with a regular telephone  
17 belonging to Verizon and there's the cable T.V.

18           So, there are five cables that are going to be  
19 wiped out one of these days by one of two trees. They  
20 are at the intersection or close to the intersection of  
21 Old Tarrytown Road. Just goes right up the hill here,  
22 the next major cross street is Old Tarrytown Road.

23           JUDGE STEIN: Let the record reflect that the  
24 speaker is gesturing toward the intersection that he is

1 describing.

2 MR. GORDON: I made a little map and I'll xerox  
3 it so you can get a copy. The one on the southeast  
4 corner tree, it's a huge oak tree, it's leaning at 30  
5 degrees with multiple branches hanging over the power  
6 lines, all of these five power lines, cable. If it goes  
7 it's going to cost tens of thousands of dollars to  
8 repair, I am sure. Since they are all in one spot you  
9 are going to have trucks from the three organizations,  
10 or maybe who knows four, because I know fiberoptic is  
11 different from the regular telephone cable.

12 All of these trucks will be concentrated in one  
13 location, pushing each other out of the way. I don't  
14 know. The other tree is on the other side of the  
15 street, so basically it's on the southwest corner, but  
16 down the block. That's only leaning at 20 degrees with  
17 multiple limbs hanging over the power lines. If that  
18 one goes down, same thing. They are only about a  
19 hundred feet apart. So, it's threatening it from two  
20 different directions.

21 And so, I don't know if preventative maintenance  
22 is appropriate, but getting on the record makes me  
23 happy, because I have called Con Ed, I have called  
24 Verizon, I have called the cable company. I talked to

1 the reporter who was at the hearings in White Plains and  
2 he said he would come right over, never showed up, just  
3 to look at it. I could take pictures of the trees if  
4 that would help. And thank you very much.

5 JUDGE STEIN: Thank you. Let me also suggest to  
6 you there are some representatives from Con Edison here  
7 today and this may be yet another opportunity to make  
8 your concerns heard.

9 Greg Unmann.

10 MR. UNMANN: Hello, good afternoon. My name is  
11 Greg Unmann. I am a Yorktown resident, local business  
12 owner in Hawthorne. My family owns a manufacturing  
13 facility. We moved from Queens to Hawthorne in 1992.  
14 The business was opened 1950. I am third generation.

15 I have been dealing with certain issues from Con  
16 Ed since we moved the business in '92. And it's always  
17 been kind of a you can't fire Con Ed so you got to just  
18 kind of deal with it issue. If I serviced my customers  
19 the way Con Ed serviced me I would probably be out of  
20 business, but it really came to a head with this last  
21 power outage in September.

22 I came into my shop after Labor Day weekend and  
23 the power--actually one leg of three phase power was  
24 out. Now, this being a machine shop you have a lot of

1 computerized equipment, C&C machinery. If there is one  
2 phase of power out you can't run the equipment.

3           So, my maintenance man and I walked around the  
4 shop. We looked outside and we saw on one of the poles  
5 that there was a--very plainly see there was one breaker  
6 of the three phases on the street. So now we knew what  
7 the problem was and why we weren't in business. I had  
8 35 employees that I couldn't employ right at the moment  
9 because I can't have them work in the dark and there's  
10 nothing for them to do. So, I had to send my employees  
11 home that Tuesday morning.

12           Tried to contact Con Ed. Did contact them.  
13 Realized there was a large power outage so I tried to be  
14 as patient as possible. Tried to get some kind of  
15 estimated time for them to come to repair the problem.  
16 I alerted them that I knew what the problem is, that it  
17 wasn't--I didn't believe it had to do with the rest of  
18 the power outages and probably take a true technician 15  
19 minutes to fix.

20           Couldn't get anybody on the phone, tried somebody  
21 in service. I called several times. Because this is my  
22 business, my business runs two shifts, we couldn't  
23 produce parts, couldn't employ my employees, so this is  
24 troublesome.

1           I called at least ten, 15 times a day trying to  
2 find out just for somebody to tell me when my power will  
3 be restored. No one could give me an answer. They kept  
4 telling me that they were going to service us as the  
5 calls came in. So, I tried to keep my patience.

6           By Wednesday afternoon I still had no power,  
7 still had no estimate of when the power was going to be  
8 turned back on. I begin to ask--getting frustrated, I  
9 said, isn't there some situation or some other place  
10 that a business can call? I mean a business--I am  
11 employing 30 people, their salaries are in play, my  
12 business is in play, a lot of things at stake, and the  
13 person on the phone told me that there is people  
14 80-years-old without power.

15           I in no way would ever put myself in front of  
16 anybody, any senior citizen without power even, but I  
17 told the lady, if there's an 80-year-old citizen without  
18 power on Wednesday when the power went out on Friday, I  
19 said, shame on you. That's a horrible thing to say to  
20 anybody on the phone.

21           Kept going, kept going. My power was not  
22 restored until Friday at 10:00. The Con Ed technician  
23 showed up at 10:00. We showed him what was wrong. I  
24 timed the gentleman. He climbed up the pole and was

1 done in eight minutes and drove away.

2 This is the thing that brought me here. I  
3 contacted Dennis Power, an associate county executive or  
4 assistant county executive. He directed me to come here  
5 to tell what's been happening.

6 This is the last of many issues. Since we moved  
7 there in '92, during the summer times, during winter  
8 times, the power--Con Ed will just what they call shed  
9 their load. So, I will be running my shop. I have 30  
10 employees. I have 40 C&C pieces of equipment running.  
11 They'll just turn the power off, switch the line and  
12 turn the power back on.

13 What happens is all my machines stop. Tools  
14 break. My employees are standing around. There is  
15 equipment inside the machines that there is system  
16 boards that get fried. This year alone I spent upwards  
17 of between 10 and 15 thousand dollars in repairs  
18 directly related to these power shifts. Again, never  
19 addressed it because it's Con Ed. I can't say I am  
20 going to go to somebody else's electric and buy it.  
21 It's just not a possibility.

22 The other thing is billing. We as a business,  
23 everything is run on budgets. And Con Edison, today I  
24 was on the phone with Con Edison, I was told by somebody

1 from Con Edison that she looked back and the last  
2 accurate reading they have from my meters is April.  
3 It's October. So, we have been getting bills. Let's  
4 say in July get a \$6,000 and then we get a bill for  
5 zero. Then they'll come back and say, oh no, you owe us  
6 \$12,000. This is how the billing's been going just  
7 because they haven't come to read the meters.

8 I really don't know if this is going to help. I  
9 don't know if there is anything more I can do. If there  
10 is, I will be happy to speak to anybody. I will do  
11 whatever I can to help.

12 I just think that from a service standpoint there  
13 should be more done. There should be--you shouldn't  
14 have a business out for five days. You shouldn't have  
15 anybody. I mean it's 2006 and we are living in the  
16 United States. We shouldn't be without power for five  
17 days.

18 So, that's pretty much it. Thank you very much.

19 JUDGE STEIN: Thank you very much for giving us  
20 all those details as well. Very helpful.

21 Mr. Abinanti is not here yet. Are there any  
22 other speakers?

23 MS. CODDINGTON: My name is Nicola Coddington. I  
24 am an Energy Conservation Coordinator for the town of

1 Greenburgh, and I did not sign up ahead of time because  
2 I didn't want to take time unless there seemed to be an  
3 opportunity and not that many people spoke, because I  
4 want to talk not about the outages themselves but about  
5 the bigger picture in which the outages take place and  
6 have taken place.

7 I want to place them in the context of what these  
8 outages reveal about changing weather patterns and what  
9 that means for Con Ed's planning and for the PSC's  
10 future actions regarding the regulation of electricity  
11 production in New York State, especially in Con Edison  
12 territory.

13 Not all but many of the outages this year, and I  
14 include the January storms, the summer heat and the  
15 resulting burden placed on the grid, and September  
16 storms, were the result of the kind of extremes of  
17 weather that we are already seeing increase in frequency  
18 and intensity due to global warming.

19 New York State utilities will face more and more  
20 of these events and the outages that they cause. Just  
21 last week, the Union of Concerned Scientists released  
22 their northeast climate impact assessment, a scientific  
23 report that suggests dramatic increases in average  
24 summer temperatures, including more days over a hundred

1 degrees, higher heat index, and increased currents and  
2 severity of extreme precipitation.

3           So, if you project that out and see the  
4 experience that we had in just this one year in Con  
5 Edison territory, we are not looking at Con Edison--I am  
6 not talking right now about Con Edison's response to and  
7 communication about any individual outages. I am  
8 talking about let's look forward. Let's look at the big  
9 picture. Let's look at what we have to do to take steps  
10 to reduce global warming emissions of carbon, and also  
11 reduce-- well, sorry--and also increase the strength of  
12 the grid in response to demands put upon it.

13           And one direction I would really like to see the  
14 utility and New York State go is allowing and  
15 encouraging, actively and aggressively encouraging the  
16 production of clean distributed generation of power  
17 through solar panels on all types of building, and wind  
18 generation.

19           Now, there is a case before the PSC right now to  
20 enlarge the ability of--to relax the net metering  
21 regulation so that more than just residential systems of  
22 ten kw or under can have their meter run backwards when  
23 they are producing excess electricity. If we were to  
24 allow that, then large buildings would be greatly

1 encouraged to install not just solar electric systems  
2 but other distributed generation as well, and take some  
3 of that burden off the power plants and distribute that  
4 generation at local sites. And that would also, by  
5 producing clean energy and reducing the amount of energy  
6 that's produced by power plants that emit global warming  
7 gasses, that would take steps to mitigate what's  
8 happening with global warming.

9           So, and in today's I think it was Washington Post  
10 there was an article about what's just taken place in  
11 Toronto where--and I can provide you with this article  
12 if you like.

13           JUDGE STEIN: Thank you.

14           MS. CODDINGTON: The Ontario province has ordered  
15 local utility companies to pay homeowners and businesses  
16 for any electricity they generate from small solar,  
17 wind, water or other renewable energy projects beginning  
18 next month. And it goes on to say this plan is unique  
19 in North America but it is modeled after similar schemes  
20 in Europe that have found a boom in small clean energy  
21 projects. And this is an example of what's taking place  
22 in Germany where there is a huge boom in small scale  
23 energy production like this.

24           I think this is the direction that we need to go,

1 as I said, both to help try to reduce global warming and  
2 the dangerous impacts that are ahead for us. And also,  
3 you know, to reduce the pressure on the grid from the  
4 growing demand. Thank you very much.

5 JUDGE STEIN: Thank you for sharing those  
6 concerns.

7 COMMISSIONER ACAMPORA: New York is doing a good  
8 job but we can do a better job in moving toward that,  
9 and I think we do have a regional gas house initiative  
10 that seven states are participating in that was spawned  
11 by Governor Pataki, who was aware. And everyone who has  
12 some basic intelligence about what's going on  
13 understands that we can do better and that's the vein  
14 that we hope to move toward.

15 MS. CODDINGTON: Thank you. I just want to add a  
16 little post script. I submitted comments to the PSC on  
17 that case, the net metering case, and in the response of  
18 Con Edison to that, to those comments, all the  
19 commenters copied all the comments in their responses.

20 JUDGE STEIN: That's what they do.

21 MS. CODDINGTON: I didn't read the whole thing,  
22 but the part that I recall of Con Edison's response was  
23 that it just wasn't--it didn't make sense for them as a  
24 ratepayer--it didn't make ratepaying sense for them to

1 expand net metering. And I think that is disingenuous  
2 considering the experience that we have shown in other  
3 parts of the world that have done this.

4 JUDGE STEIN: Thank you. Chris Giliberti.

5 MS. GILIBERTI: Thank you, Judge Stein. Thank  
6 you, Commissioner Acampora. I just wanted to state for  
7 the record I am speaking on my own behalf as a  
8 Westchester County resident and as a Con Edison  
9 customer, and not in my capacity as a legislative aide  
10 to the County Board of Legislators.

11 I just, I would like only to point out that the  
12 difficulty for Westchester County residents is that we  
13 are dealing here with a private company. I don't know  
14 if you have--I am sorry--I mean a company that is  
15 involved in the pursuit of profit. I don't know if you  
16 have read recently Con Ed's annual report but the report  
17 opens with a two page letter entitled To Our  
18 Shareholders, and somewhere within the introduction  
19 there is a very small six or seven line paragraph which  
20 talks about the company's service to the public.

21 And I think that's indicative or perhaps it could  
22 be considered indicative of Con Ed's priorities that  
23 they are, as has been alleged by many people previously,  
24 that they are very much concerned with maintaining the

1 bottom line and maintaining their interest and their  
2 obligations to the company's shareholders and perhaps  
3 less so--less concerned with providing reliable power to  
4 the public they serve.

5 Now, that problem is actually compounded by the  
6 fact that this is a monopoly, meaning that for the  
7 residents of Westchester County not served by NYSEG they  
8 have no choice. This is really the only power company  
9 that services their area. So, that leaves them in an  
10 even greater state of vulnerability and even greater  
11 need for protection, which I think that's where the  
12 Public Service Commission comes in.

13 According to Public Service Law it is the Public  
14 Service Commission that is vested with the authority to  
15 monitor public--in this case public utility companies or  
16 utilities who do provide service to the public and in  
17 those cases where that service isn't being provided in  
18 appropriate, adequate fashion to take measures to  
19 effectuate that sort of appropriate action.

20 For example, for all of us who experienced  
21 outages, forget January and forget July, but then again  
22 to a more severe extent in September. For all of us who  
23 did sustain substantial losses, for Con Edison to issue  
24 a statement agreeing to compensate people and then to

1 not compensate people for their losses even when those  
2 losses were attributed to dilapidated infrastructure,  
3 but basically not storm related losses, but those losses  
4 that resulted from an aging infrastructure that has not  
5 been properly maintained or poor equipment failure, to  
6 say they would in those circumstances compensate people  
7 because it was due to the company's negligence and then  
8 to deny--to reject those claims is unconscionable. It  
9 just is. It leaves people with a very disillusioned and  
10 very--in a state of bewilderment and it's a tremendous  
11 disappointment.

12 I would hope that the Public Service Commission,  
13 again, because it has the authority to do so, will take  
14 a look at a reimbursement policy like that and  
15 reconsider the claims that were denied and losses that  
16 were--that occurred due to a utility's negligence.

17 In terms of maintenance, I know that people spoke  
18 before about placing wires underground. Supervisor  
19 Feiner advocated for it. Other speakers said they may  
20 not be so amenable to that because of the cost that  
21 would be incurred. We are not talking about putting all  
22 of Westchester County underground, but for those areas,  
23 those pockets of Westchester County that continually  
24 lose power, wouldn't it make more sense not even for we

1 residents, but for Con Edison, to prevent a headache for  
2 them to, in those areas at least, put wires underground.

3 I know that there are difficulties with repairing  
4 underground infrastructure, but it seems to be the case  
5 that we have fairly inclement weather in Westchester  
6 often. So wouldn't it make the most sense in preventive  
7 form to act accordingly and to place wires underground  
8 in those areas that continually lose power?

9 The other point that I just have to make, again,  
10 because I was personally affected as a Con Ed customer  
11 and county resident. Manpower has really come up as an  
12 issue with Con Edison. Many people have alleged that  
13 Con Ed is not doing enough to invest in not maintenance,  
14 but in keeping an adequate amount of staff, of crews, on  
15 hand to respond in a timely fashion to outages when they  
16 occur.

17 I know that the Commission staff members have  
18 agreed to, in their investigation, agreed to look at  
19 what measures Con Edison took, for example, in  
20 anticipation of the September outages. We have heard,  
21 and again it's rumor, I am not saying this is in fact  
22 true, but we have heard that Con Ed because it was a  
23 Labor Day weekend, and they were not inclined to pay  
24 their employees overtime, did not keep staff on hand.

1           The problem with that is when a storm does hit  
2 and there is tremendous devastation you have to scour  
3 the northeast to find back up crews, and that just, all  
4 of that just it slows down getting service back to  
5 people, and it's very frustrating.

6           I would hope that the Public Service Commission  
7 would make sure that Con Ed is cognizant of potential  
8 outage crises, and in accordance with that sort of  
9 knowledge keeps people on hand so that they can get  
10 people back on line not within three, four, five, six,  
11 seven days, but right away.

12           Especially--this again will refer to a point that  
13 Supervisor Feiner made, but there are places in the  
14 county where people are under dire medical  
15 circumstances. People who are on dialysis machines, on  
16 oxygen machines, that is just flirting with disaster. I  
17 mean those are people who cannot remain without power.  
18 They need someone to respond to them quickly.

19           I am not sure you are aware but Dobbs Ferry  
20 Community Hospital, which is down the road from me, this  
21 past storm lost power. Its back up generators failed.  
22 I don't remember how many days passed before someone  
23 from Con Ed responded to them, but it was definitely  
24 more than two days.

1           Now, you are talking about this is not just a  
2 household for someone on a dialysis machine. This is a  
3 hospital full of patients whose lives are put in  
4 jeopardy because hospital staff can't get someone from  
5 Con Edison to come over and restore power. It's very  
6 frightening.

7           And it's also--there is something almost illegal  
8 about that because it's like we are supposed to have, or  
9 at least maybe government in this case, is supposed to  
10 have the best interests of the people it governs at  
11 hand, so it has to take measures to ensure that the  
12 people aren't put in situations where their lives are in  
13 danger, like a hospital going without power for several  
14 days.

15           That's basically it. Thank you very much for  
16 allowing me to speak and to get my thoughts on the  
17 record. I just, again, this is a company that is  
18 providing service to the public and we really do depend  
19 on reliable service and we depend on response and we  
20 depend that power is going to be provided to us. So,  
21 when it's not, and when we are experiencing problems  
22 with communication, with people being able to just get  
23 through and report outages, problems with delayed  
24 response, we really have no one else to turn to at this

1 point but the Public Service Commission. So, we do  
2 hope, and I do trust, that you will take all of these  
3 points into consideration and help remediate the  
4 situation.

5 JUDGE STEIN: I wanted to ask you one question,  
6 if I may just go back. You had described a statement by  
7 Con Edison to the effect that it intended to compensate  
8 people for certain losses if they weren't storm related  
9 but were related to problems with the infrastructure.  
10 And then you said that some people then relied on that  
11 statement, filed claims and claims were rejected. Was  
12 that like a general public statement or were you saying  
13 that the company had said to certain customers?

14 MS. GILIBERTI: It appeared in a couple of forms.  
15 Number one, the government of Westchester, the county  
16 executive's office, had issued a statement that was  
17 posted on the county website at some point about how  
18 County Executive Spano had spoken with Con Edison and  
19 had negotiated that Con Edison would treat Westchester  
20 customers as it had treated its Queens customers, so  
21 there was that.

22 And also at certain public hearings that were  
23 held at the County Board of Legislators a similar  
24 statement was made saying that people would be

1 reimbursed if indeed their losses were sustained as a  
2 result of dilapidated infrastructure or failed  
3 equipment.

4 JUDGE STEIN: Rather than a storm.

5 MS. GILIBERTI: Right. Before the storm. I  
6 know, myself included, that there were many people whose  
7 power went out long before any sort of severe weather  
8 hit. So, aside from heat, because that did cause  
9 outages that affected infrastructure.

10 JUDGE STEIN: Thank you very much. County  
11 Legislator Abinanti.

12 LEGISLATOR ABINANTI: I am Tom Abinanti. I am a  
13 county legislator representing the 12th legislative  
14 district which comprises most of the town of Greenburgh  
15 and its river villages. I serve as the Chair of the  
16 Westchester Committee on Environment and Energy. The  
17 committee held public hearings after each major weather  
18 event this year where there was significant power  
19 disruptions and delayed response for restoration of  
20 power by Con Edison.

21 Unfortunately it seems it's been a never ending  
22 series, going on so long that we even had our own summer  
23 reruns. The hearings after the summer outages sounded  
24 just like those after the earlier outages with the same

1 failures by Con Edison reported to us at each hearing.  
2 That's why I am here today, to express the collective  
3 outrage outrage of so many Westchester residents from so  
4 many different communities all across Westchester  
5 County.

6           Seems that Con Edison's performance is growing  
7 worse, not better. What Con Ed seems to learn from each  
8 mistake is how to do it better, that is, how to make the  
9 same mistakes again but only on a grander scale.

10           So let me begin by welcoming you to Westchester  
11 County, and welcoming you to Greenburgh. I am sure  
12 others have done that already. I apologize for coming  
13 in at the end of your stay here. I had expected, given  
14 what we had seen, that there would be a whole line of  
15 people waiting to come in, because at each of our  
16 hearings we had a crowded room with many people being  
17 turned away, not given time to talk, because two hours  
18 just wasn't enough.

19           I think one meeting we had went like three and a  
20 half hours, but we will be providing you with a copy of  
21 whatever we have. We are going to do a summary of  
22 materials that we have and forward it to you,  
23 correspondence that we received from people. We have  
24 gotten letters and e-mails and all kinds of

1 correspondence, so my staff right now is putting that  
2 together and we will try to send you as much as we can  
3 so you get a flavor of what we heard.

4 JUDGE STEIN: Let me just interject for one  
5 moment. We will incorporate that information into the  
6 record of this hearing as represented here today.

7 LEGISLATOR ABINANTI: I appreciate that. We are  
8 particularly appreciative of your coming down here to  
9 hear firsthand the concerns and frustrations that  
10 Westchesterites have endured, from the residents, from  
11 businesses, from public safety and emergency services  
12 personnel.

13 I don't know what you heard in New Rochelle, in  
14 Yonkers, and what you are going to hear in Port Chester,  
15 but we are all looking for an indication of what the  
16 Public Service Commission plans to do to ensure that  
17 next year is not a repeat of this past year's power  
18 company failures. If I could just comment, we would  
19 have liked to have seen you sooner. We have invited  
20 someone from the Public Service Commission to each of  
21 our hearings and quite figuratively and literally we  
22 were sitting here in the dark powerless waiting for you  
23 to come down and help us out.

24 So, I applaud your coming and I am pleased that

1 you are here. Our role is to advocate for those  
2 dependent on Con Edison, the Con Edison monopoly, to  
3 provide reliable power. The role of the Public Service  
4 Commission is to regulate Con Edison to ensure that Con  
5 Edison does in fact provide that reliable power. We  
6 have been advocating, and in your stead your staff  
7 members have been kind enough to join us to gather facts  
8 at each of our hearings. As I am sure you heard,  
9 endured a hefty amount of criticism as well. But,  
10 frankly, we are still waiting for the PSC regulatory  
11 response, and if I can suggest it's long overdue.

12 I ask that you look at three areas and exercise  
13 your regulatory authority to move Con Edison in those  
14 three areas. The first area is to get modern with their  
15 communications. To use modern, innovative technology to  
16 collect, analyze and distribute information to and from  
17 the public, public safety officials and their own  
18 workers.

19 We just don't understand why Con Edison doesn't  
20 have a modern, computer driven interactive system which  
21 can receive reports from customers, police departments,  
22 or public works departments and which can display  
23 updating information to the customers, police  
24 departments, other emergency services and public works

1 departments about the outages and the progress in  
2 restoring service, and which at the same time can  
3 generate work orders to Con Edison employees about where  
4 to respond. Which, by the way, can accept damage  
5 claims, food spoilage and things like that, for those  
6 inevitable delayed responses.

7           We heard over and over again about the lack of  
8 communication. I don't know how much you have heard of  
9 it. You probably heard a lot about it. It's somewhat  
10 understandable when normal citizens can't get through,  
11 but when a police chief who has an emergency number gets  
12 told basically to flake off, there is something wrong.

13           And when you have your own personnel who are on  
14 the street who basically babysit--I'm sorry, not your  
15 own--Con Edison personnel who are sitting on the street  
16 basically babysitting and have no idea what's going on  
17 there is something wrong. I personally approached a Con  
18 Ed worker who was sitting in a van in front of a  
19 person's house with a down wire, and he was from another  
20 department of Con Edison and was basically stationed  
21 there to make sure no one touched the wire. Now, I  
22 suppose that's a good thing to do, but when the entire  
23 neighborhood is out I tend to doubt whether that was a  
24 live wire to start off with, and would it not have been

1 better to send somebody out there to test that wire and  
2 send this guy home and not pay the money to have him sit  
3 there for 24 hours or 48 hours, and maybe use that money  
4 to have somebody who can fix the problem.

5           When the worker doesn't know what's going on,  
6 when you talk to the police and they don't know what's  
7 going on, when we hear from public works departments  
8 that they are sitting waiting to hear from Con Edison  
9 because they have crews that are ready to go out but  
10 have no idea when they are going to be called on, and  
11 sometimes get called after Con Edison has already been  
12 out and turned off the power, there is something wrong.  
13 There's just a total lack of communication.

14           The concept of an interactive system came from  
15 one of the village managers, which I think is a very  
16 good proposal. We are in the day and age where we have  
17 e-mail and so many companies live by e-mail, and yet Con  
18 Edison won't take anything by e-mail, it won't display  
19 anything on its website. Let's face it. If you are out  
20 of power you're not going to be able to get under normal  
21 circumstances to your computer, but most of us have an  
22 office somewhere else, most of us have relatives  
23 somewhere else. We go to work. It certainly should be  
24 one system. So even the media could use that system and

1 maybe display it on T.V. or broadcast. I would talk to  
2 members of the media and I would say, what do you know?  
3 They say, we know absolutely nothing because it seems  
4 that the people at Con Edison know nothing.

5           They don't know what's out. They don't know when  
6 they are going to fix it. They don't know how long it's  
7 going to be. They may not even know the cause of it.  
8 So, what I am suggesting here is that it seems that it's  
9 time for Con Edison to get modern, to find some way to  
10 have this whole big system plugged in so that a police  
11 department can report that the entire neighborhood is  
12 out rather than requiring that each and every member of  
13 that community pick up the telephone and call it in.

14           One of the things that happened, as I understand,  
15 as a result of our hearings, was that Con Edison set up  
16 a daily conference call where police departments or  
17 supervisors, mayors, could call in and talk to Con  
18 Edison representatives. Now, that seems to me to be a  
19 step in the right direction. It's a very small step.

20           JUDGE STEIN: Can I just ask you: Is that an  
21 emergency measure or ongoing measure?

22           LEGISLATOR ABINANTI: That's when there is a  
23 power outage as an emergency measure. So, they did set  
24 up something. So that's I think a step in the right

1 direction, but now they have got to take that next step.  
2 Let's modernize that. Conference calls are kind of a  
3 thing of the past. I mean it's good to do that, have  
4 that human interaction. They should continue doing  
5 that, but there's no reason why the Greenburgh Police  
6 Department at least, which has 45,000 people under its  
7 jurisdiction, and it could be the center for all of  
8 Greenburgh where there is 90,000 people, why they can't  
9 have some interactive system where they can plug in for  
10 all 90,000 people that were in the town of Greenburgh,  
11 which includes Tarrytown and Irvington and Ardsley and a  
12 whole bunch of other little communities, they could be  
13 the center.

14 They can control everything. They could send it  
15 into Con Edison and say this is our problem here in  
16 Greenburgh and find out back what's the story.

17 At the risk of going on too long--as you can see,  
18 I abandoned my notes, but--and I appreciate your  
19 patience, but I don't know how much of this you have  
20 heard and how much you haven't. I am kind of repeating  
21 what we discussed at our hearings.

22 But it seems communication is so important and  
23 yet so neglected. I was out of power on Saturday night  
24 this last time around. I will tell you I had so much

1 confidence in Con Edison that I immediately went out and  
2 bought a generator. Generator sales in Westchester  
3 County are booming because people don't know how to  
4 plan. I had no idea whether I was going to be out for  
5 three days or three hours.

6 And I was down at the local coffee shop where  
7 most of my neighbors were the next morning and the word  
8 I got down there was one of the guys had stopped a Con  
9 Edison truck and was told there is a transformer out and  
10 the whole neighborhood will be out for two days. That  
11 was pretty accurate. It was out for like 36 hours. But  
12 we had no way of knowing.

13 If I knew that I was going to be out of power for  
14 a day and a half, I would have taken all the stuff out  
15 of my refrigerator, and we would have moved to my  
16 mother-in-law's house a mile and a half away, who had  
17 power. The guy around the corner who had a baby called  
18 me and said, what do I do now? I don't know what to  
19 tell you. I don't have any more information than you.  
20 He went out and bought a generator because he had a  
21 little baby.

22 Now, we knew the power was going to be out for a  
23 period of time, you plan for it. Those people, we heard  
24 story after story about invalids. One person had just

1 gotten home from the hospital and she--one woman just  
2 brought her husband home and he needed not life support  
3 but certain types of medical equipment. There is no  
4 power. How long is the battery going to work--going to  
5 last? Does she pull him out of there and take him back  
6 to the hospital? Does she take him to a hotel room or  
7 does she sit and wait it out?

8           There are life and death decisions made here in  
9 some cases without any information at all. So, if they  
10 can at least give us an honest answer, and from what I  
11 can see they don't have the system set up to know  
12 themselves.

13           So, that's why I'm saying I think the Public  
14 Service Commission has to demand from Con Ed that they  
15 get a modern system in place to be able to find out  
16 what's going out on the street, analyze it, feedback to  
17 everybody else with honest answers, and then dispatch  
18 their employees appropriately.

19           And that comes to a second point about--I will  
20 get to that in a minute. The communications point is  
21 the first point. The second one is what are we doing in  
22 between what Con Ed calls unprecedented storms. We have  
23 now had three unprecedented storms. Every storm, let's  
24 face it. This is the northeast. We get storms.

1 Spring, summer, fall, and winter we get storms. Is Con  
2 Edison equipped to handle the system that they are  
3 charged with handling? Why aren't Con Edison crews out  
4 in full force in between these storms doing maintenance  
5 work, trimming trees, carrying branches from power lines  
6 and trouble shooting in those parts of Westchester  
7 County that go out every time?

8 We heard stories from individuals who came in and  
9 said even when there is no unprecedented event they are  
10 out of power five, six times a year. They expect it  
11 when anybody is out they are going to go out. Where are  
12 the Con Ed crews in between? I respectfully suggest  
13 that maybe those crews aren't there, and we can't  
14 determine. We can't find out. We don't have the power  
15 but you do. You have the power to find out whether they  
16 are investing enough in upgrading, in maintaining their  
17 electrical infrastructure, and doing maintenance.

18 Question I have is not the overall budget, but  
19 how much in Westchester is being invested? We are a  
20 small piece of the Con Edison system. And while their  
21 numbers show that they are investing a significant  
22 amount of money in upgrading, how much are they doing in  
23 Westchester County, which is quite different than the  
24 New York City system. How does their maintenance

1 program compare over the last five years let's say in  
2 Westchester County alone. Some outages are inevitable,  
3 but the number and duration suggests that maintenance in  
4 Westchester County is not one of Con Edison's top  
5 priorities.

6 If, in fact, Con Edison is correct with their  
7 excuse that we are getting increasingly intense, severe  
8 weather patterns, we respectfully suggest to the Public  
9 Service Commission that you require Con Edison to  
10 seriously consider undergrounding some of its wires. I  
11 am not suggesting doing the whole system. I know Con  
12 Edison is talking about a study and have maybe even gone  
13 out, but I think somebody has to look over their  
14 shoulder as to what that study is all about.

15 It's frightfully expensive to put all of  
16 Westchester's wires underground, but there are certain  
17 areas that are prone to an impact from severe weather  
18 and those--there are some areas that are feeders for  
19 large numbers of people. Those are the areas that we  
20 should look to first.

21 No one is going to suggest that a lonely little  
22 road along a farm in Lewisborough should be underground,  
23 should have the wires underground, but when you are  
24 talking about 90,000 people that go out in the southern

1 part of the county, what's happening? What's wrong?  
2 What's wrong with this picture?

3 The third point that I ask you to take a look at,  
4 is: Does Con Edison have a realistic response program?  
5 Aside from the question of communications, are they  
6 properly planning for severe weather or are they  
7 skimping on their manpower and supplies when the severe  
8 weather is anticipated? Are they cutting corners?  
9 Again, only you can look at what their response plan is  
10 and whether they are following that response plan in  
11 Westchester County.

12 Are they relying too much on mutual aid with  
13 other utilities elsewhere? You probably have already  
14 heard it, but we heard the rumors that this last  
15 predicted Labor Day weekend storm saw Con Edison  
16 woefully understaffed, and the rumors were that Con  
17 Edison didn't want to pay whatever it was, the overtime  
18 or the double time or the time and a half, whatever it  
19 is, for such a long weekend, because what we saw was the  
20 real response didn't come until the weekend was over,  
21 long after the storm was over.

22 As one public works official from I think it was  
23 Port Chester said, Con Edison was nowhere to be seen.  
24 He had crews sitting around, sitting around, sitting

1 around, so it's costing municipalities money while they  
2 are waiting for Con Edison. We understand it's a big  
3 county, a lot of people and a lot of things to do, but  
4 they should be prepared for that.

5 So, I guess I am stressing Westchester, but I  
6 want to reiterate that we are only 12 percent of the  
7 utility's customer base and we feel that perhaps we are  
8 being treated as second class citizens behind that 88  
9 percent that's down in New York City.

10 One of our legislators recently suggested that a  
11 separate section of the PSC staff be set up just to deal  
12 with Westchester County, which I think is an interesting  
13 suggestion, to in effect institutionalize a monitor and  
14 advocate at the PSC for the Westchester part of Con  
15 Edison. It's understandable that when Queens goes out  
16 that's where the attention goes, but there are also  
17 people and businesses up here. So somebody has to be  
18 advocating for us and there's only so much that we can  
19 do. Only so much noise that we can make. We have to  
20 rely on you.

21 We also ask: Does Con Edison know how to set  
22 priorities in a place like Westchester County? Perhaps  
23 there should be a dual system of response. One system  
24 has to be prioritized with police departments and

1 hospitals and nursing homes at the top. I mean, again,  
2 you probably have heard. If you haven't, I will repeat  
3 it.

4           The Eastchester Police Department, that's 30,000  
5 people, was out for four days. They were using fire  
6 department generators because their own generators went  
7 out. How do you run a police department and provide  
8 public safety when there is no power? And they couldn't  
9 get any information as to what was going on. And at the  
10 same time the Dobbs Ferry Hospital was out for several  
11 days. Their own generators went out and they had to get  
12 the fire department to come in. They literally had to  
13 move some patients out to another hospital.

14           That shouldn't happen in a civilized world. That  
15 just shouldn't happen. At the same time we are hearing  
16 story after story about what I guess we would call the  
17 quick fix outage, where for some reason, and I am not an  
18 engineer, I don't understand all of this, but I gather  
19 that all you have to do is throw a switch on a trip  
20 transformer and the neighborhood goes back on. I would  
21 assume it's not that simple, that somebody has to check  
22 wires and do whatever has to be done, but that it's not  
23 a complicated job, that there were a lot of those where  
24 there was a surge or whatever and the transformer switch

1 tripped and it just required a simple maybe hour or two  
2 to put the whole neighborhood back on.

3           Maybe there should be two systems, one for those  
4 emergencies and then a small team of people who can put  
5 large numbers of people back on with just a flick of the  
6 switch. This also brings to mind the question of  
7 whether their infrastructure is set up properly. Why do  
8 so many people go out when there is a small problem  
9 somewhere? And is there a way to isolate the problems  
10 better so that you could put neighborhoods back on and  
11 isolate that little problem. Where there is a real  
12 problem you can't get it back on for whatever reason,  
13 why should everybody have to be out while they are  
14 isolating the problem? Might take four or five days to  
15 fix that one problem but why should that whole part of  
16 town be out? So, I think Con Edison needs to do a lot  
17 of work and they are not going to do it on their own.

18           Lastly, I come to the question of reimbursement.  
19 There was a lot of confusion. I don't know if you  
20 heard, how much you heard here, but we got a lot of  
21 rejected reimbursement letters from constituents and a  
22 lot of calls from people understanding that we can't do  
23 much about their reimbursement problems, but complaining  
24 about it to us, so we have some of the forms from people

1 we will be forwarding to you as well.

2 We thought we heard Con Edison say that they were  
3 going to treat Westchester residents like they were  
4 treating Queens residents, so if you were out you were  
5 going to get reimbursed, and it appears most of the  
6 requests were rejected. I can leave that to you and  
7 your staff to determine what percentage and whether they  
8 were. But it seems, number one, their policy is not  
9 clear. And number two, their policy is not fair.

10 What is the difference to my neighbor with a  
11 little baby between the electricity going out because of  
12 heat and electricity going out because of a storm? Now,  
13 maybe you want to give Con Edison a grace period for the  
14 first 12 hours, but beyond that what's the difference?  
15 Yes, there might be outages, but if they can't get it  
16 back in, I don't know, you pick a time, a standard, six  
17 hours, 12 hours, beyond that now the food is spoiled and  
18 everything is disrupted.

19 When you have people on fixed incomes, we have  
20 young families, you know, they buy at Sam's Club or  
21 Cosgo or wherever they go, so it always happens that  
22 power--in fact, people will stock up knowing that a  
23 storm is coming figuring they are going to be stuck in  
24 there and they are going to be snowed in. Now three,

1 four hundred dollars worth of food is gone, which may  
2 not seem like a lot. To some people it is a lot of  
3 money.

4 So, the reimbursement policy has to be addressed.  
5 We have a lot of people very, very angry and upset over  
6 having been rejected. So, we ask you to look at that  
7 and to force a clarification of the policy and to force  
8 a fairer policy.

9 Let me just add one other comment on this point,  
10 if I can, and that is: This is a private company in a  
11 free market system. What is the incentive for Con  
12 Edison to do well if there is no financial incentive?  
13 If they are immune from public criticism, what's the  
14 incentive? I suggested and I will resuggest that at  
15 your rate hearings if you decide that they are not  
16 entitled to an increase in rates that perhaps the money  
17 should go back to the people who were hurt, to the  
18 people who were rejected. I don't know if you can  
19 legally do that, but I would like to find your rate  
20 structure set up--I would like to find a way to  
21 rearrange your rate structure so they get penalized on  
22 the basis of their lack of performance in situations  
23 like this.

24 If there is an incentive, if they start losing

1 money because they are paying people that were hurt  
2 because of their--amounts to negligence or failure to  
3 perform, then it goes right to the bottom line, to the  
4 shareholders, not to the ratepayers, and maybe the  
5 economic system will then work, but right now they are  
6 insulated all the way around.

7 As long as they show a profit their shareholders  
8 will keep them in place and we yell and complain and  
9 people say so what? But if we can tie the two together  
10 so that their performance reflects on their bottom line,  
11 maybe that's one way to change it.

12 If we can't change it, frankly, I think what you  
13 are going to find is the people of Westchester County  
14 are going to be looking for alternatives. We are going  
15 to try to find some way to break the monopoly in some  
16 way. If we can't get the Public Service Commission to  
17 change Con Edison you are going to hear people of  
18 Westchester County going to the state legislature saying  
19 change the Public Service Commission. The system isn't  
20 working. That's a frank appraisal of where we are.

21 I will just recall for you I think it was about  
22 20 years ago, maybe it was 15 years ago, the county  
23 executive of Westchester County had a referendum on  
24 whether the County of Westchester should condemn Con

1 Edison and turn it into a real public utility. Now, in  
2 those days it was a much bigger deal because they were  
3 generating as well as distributing electricity.

4 I don't know that it would be so difficult for a  
5 public benefit corporation to take over Con Edison and  
6 run that kind of a system today because now you are just  
7 talking about distribution. I shouldn't say just  
8 distribution, but I got to tell you the frustration  
9 level is there. People are fed up with this. Everybody  
10 loves to hate Con Edison and now we have a reason and we  
11 have been given the reason over and over and over again.

12 I thank you very much for coming and listening  
13 and just ask you to please use your power to force this  
14 power company to empower the people of Westchester  
15 County. Thank you.

16 JUDGE STEIN: Thank you very much.

17 MS. GORDON: May I make one brief statement? My  
18 name is Elinore Gordon, and I have several relatives in  
19 Florida and unfortunately have been down there during  
20 some of the worst hurricanes, especially Andrew, and  
21 every brown paper bag has a list of what to do for the  
22 bad weather. Have a battery radio and flashlight.  
23 Stock up on food for at least a week in case of any  
24 storm. And do not stock up on anything that has to go

1 in the refrigerator or freezer. Anyone that does, you  
2 will be looking for extra problems. Bottled goods and  
3 canned goods, and all the stores sell cases with bottles  
4 of water. Maybe there should be an insert that comes in  
5 with the Con Ed bill to prevent an excessive loss of  
6 food. Thank you.

7 JUDGE STEIN: Thank you. Are there any other  
8 speakers today? Seeing no other speakers, we will  
9 adjourn this hearing and I thank you all for coming out  
10 and sharing your concerns with us today.

11 COMMISSIONER ACAMPORA: Thank you all.

12 (Public statement hearing concluded.)  
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<p>531:14, 556:17  <b>behalf</b> [1] - 558:7  <b>behind</b> [1] - 578:8  <b>belonging</b> [2] -  547:16, 547:17  <b>below</b> [1] - 547:15  <b>benefit</b> [1] - 584:5  <b>benefits</b> [1] - 534:10  <b>best</b> [1] - 563:10  <b>better</b> [10] - 533:21,  534:9, 536:18,  536:23, 557:8,  557:13, 566:7,  566:8, 570:1, 580:10  <b>between</b> [6] - 545:21,  552:17, 574:22,  575:4, 575:12,  581:11  <b>bewilderment</b> [1] -  560:10  <b>beyond</b> [2] - 581:14,  581:17  <b>bicycled</b> [1] - 535:5  <b>big</b> [5] - 539:19,  545:19, 555:8,  571:10, 578:2  <b>bigger</b> [2] - 554:5,  584:2  <b>biggest</b> [1] - 534:22  <b>bill</b> [3] - 539:22, 553:4,  585:5  <b>billing</b> [1] - 552:22  <b>billing's</b> [1] - 553:6  <b>bills</b> [1] - 553:3  <b>bit</b> [1] - 547:8  <b>blew</b> [1] - 542:20  <b>block</b> [1] - 548:16  <b>Bloomington's</b> [1] -  542:2  <b>Board</b> [2] - 558:10,  564:23  <b>boards</b> [1] - 552:16  <b>boom</b> [2] - 556:20,  556:22  <b>booming</b> [1] - 573:3  <b>Bottled</b> [1] - 585:2  <b>bottles</b> [1] - 585:3  <b>bottom</b> [4] - 541:13,  559:1, 583:3, 583:10  <b>bought</b> [2] - 573:2,  573:20  <b>branches</b> [2] - 548:5,  575:5  <b>brand</b> [1] - 547:15  <b>break</b> [2] - 552:14,  583:15  <b>breaker</b> [1] - 550:5  <b>brief</b> [3] - 532:18,  537:3, 584:17  <b>brings</b> [1] - 580:6</p>	<p><b>broadcast</b> [1] - 571:1  <b>brought</b> [2] - 552:2,  574:2  <b>brown</b> [1] - 584:21  <b>buck</b> [1] - 539:6  <b>budget</b> [1] - 575:18  <b>budgets</b> [1] - 552:23  <b>building</b> [2] - 545:18,  555:17  <b>buildings</b> [3] - 544:24,  545:1, 555:24  <b>built</b> [2] - 545:19,  545:21  <b>bulk</b> [1] - 537:4  <b>bunch</b> [1] - 572:12  <b>burden</b> [3] - 544:20,  554:15, 556:3  <b>business</b> [13] -  544:12, 549:11,  549:14, 549:16,  549:20, 550:7,  550:22, 551:10,  551:12, 552:22,  553:14  <b>businesses</b> [3] -  556:15, 567:11,  578:17  <b>buy</b> [2] - 552:20,  581:20</p>	<p><b>certain</b> [6] - 549:15,  564:8, 564:13,  564:22, 574:3,  576:16  <b>certainly</b> [2] - 545:2,  570:23  <b>Chair</b> [1] - 565:15  <b>chance</b> [2] - 534:19,  547:9  <b>change</b> [4] - 583:11,  583:12, 583:17,  583:19  <b>changing</b> [2] - 537:6,  554:8  <b>charged</b> [1] - 575:3  <b>check</b> [3] - 538:5,  538:6, 579:21  <b>checked</b> [1] - 535:16  <b>Chester</b> [2] - 567:14,  577:23  <b>chief</b> [1] - 569:11  <b>choice</b> [1] - 559:8  <b>choose</b> [1] - 538:17  <b>Chris</b> [1] - 558:4  <b>circumstances</b> [3] -  560:6, 562:15,  570:21  <b>citizen</b> [3] - 544:22,  551:16, 551:17  <b>citizens</b> [2] - 569:10,  578:8  <b>City</b> [4] - 529:5,  539:15, 575:24,  578:9  <b>Civic</b> [1] - 545:17  <b>civilized</b> [1] - 579:14  <b>claim</b> [5] - 539:17,  540:5, 542:7, 543:14  <b>claims</b> [6] - 538:16,  560:8, 560:15,  564:11, 569:5  <b>clarification</b> [2] -  546:12, 582:7  <b>class</b> [1] - 578:8  <b>clean</b> [3] - 555:16,  556:5, 556:20  <b>clear</b> [1] - 581:9  <b>climate</b> [1] - 554:22  <b>climbed</b> [1] - 551:24  <b>close</b> [1] - 547:20  <b>closed</b> [1] - 544:3  <b>Club</b> [1] - 581:20  <b>clue</b> [1] - 546:11  <b>CODDINGTON</b> [4] -  553:23, 556:14,  557:15, 557:21  <b>Coddington</b> [1] -  553:23  <b>coffee</b> [1] - 573:6  <b>cognizant</b> [1] - 562:7</p>	<p><b>cold</b> [1] - 545:12  <b>collect</b> [2] - 530:19,  568:16  <b>collective</b> [1] - 566:2  <b>Columbia</b> [1] - 535:23  <b>comfortable</b> [2] -  537:8, 539:4  <b>coming</b> [6] - 566:12,  567:8, 567:24,  581:23, 584:12,  585:9  <b>comment</b> [2] - 567:18,  582:9  <b>commenters</b> [1] -  557:19  <b>comments</b> [5] -  532:18, 537:24,  557:16, 557:18,  557:19  <b>commercial</b> [2] -  544:24, 545:1  <b>COMMISSION</b> [1] -  529:1  <b>Commission</b> [22] -  529:4, 530:5,  530:16, 530:17,  530:21, 531:11,  532:4, 533:1,  538:18, 559:12,  559:14, 560:12,  561:17, 562:6,  564:1, 567:16,  567:20, 568:4,  574:14, 576:9,  583:16, 583:19  <b>COMMISSIONER</b> [4] -  538:21, 539:2,  557:7, 585:11  <b>Commissioner</b> [2] -  530:5, 558:6  <b>Committee</b> [1] -  565:16  <b>committee</b> [1] -  565:17  <b>communication</b> [6] -  531:17, 555:7,  563:22, 569:8,  570:13, 572:22  <b>communications</b> [3] -  568:15, 574:20,  577:5  <b>communities</b> [2] -  566:4, 572:12  <b>community</b> [1] -  571:13  <b>Community</b> [1] -  562:20  <b>companies</b> [3] -  556:15, 559:15,  570:17</p>	<p><b>company</b> [12] - 546:5,  546:7, 547:12,  548:24, 558:13,  558:14, 559:8,  563:17, 564:13,  567:18, 582:10,  584:14  <b>Company</b> [2] - 529:5,  530:22  <b>company's</b> [5] -  531:16, 546:8,  558:20, 559:2, 560:7  <b>Company's</b> [1] - 531:1  <b>compare</b> [1] - 576:1  <b>compensate</b> [4] -  559:24, 560:1,  560:6, 564:7  <b>complain</b> [1] - 583:8  <b>complaining</b> [1] -  580:23  <b>complaint</b> [2] - 538:17  <b>complaints</b> [4] -  531:15, 533:9,  538:22, 544:12  <b>Complaints</b> [1] -  531:16  <b>completed</b> [2] -  541:21, 543:13  <b>complicated</b> [1] -  579:23  <b>complications</b> [1] -  544:17  <b>compounded</b> [1] -  559:5  <b>conprises</b> [1] -  565:14  <b>computer</b> [6] - 536:17,  543:15, 543:18,  545:13, 568:20,  570:21  <b>computerized</b> [1] -  550:1  <b>Con</b> [127] - 530:9,  531:9, 531:15,  532:1, 532:24,  533:2, 533:19,  533:20, 534:1,  534:11, 535:2,  535:7, 535:8,  535:15, 536:6,  536:10, 536:13,  536:17, 536:21,  537:4, 537:9,  537:19, 538:3,  539:16, 539:22,  540:7, 540:14,  541:1, 541:10,  541:20, 542:1,  542:4, 543:3, 543:6,  543:17, 544:9</p>
<b>C</b>				
	<p><b>C&amp;C</b> [2] - 550:1,  552:10  <b>cable</b> [6] - 547:12,  547:16, 547:17,  548:6, 548:11,  548:24  <b>cables</b> [1] - 547:18  <b>canned</b> [1] - 585:3  <b>cannot</b> [1] - 562:17  <b>capacity</b> [1] - 558:9  <b>capture</b> [1] - 530:13  <b>carbon</b> [1] - 555:10  <b>card</b> [1] - 532:8  <b>care</b> [1] - 546:14  <b>carrying</b> [1] - 575:5  <b>Case</b> [1] - 529:4  <b>case</b> [10] - 530:20,  530:23, 531:24,  555:19, 557:17,  559:15, 561:4,  563:9, 584:23  <b>cases</b> [4] - 530:20,  559:17, 574:9, 585:3  <b>causing</b> [1] - 542:20  <b>cell</b> [1] - 535:7  <b>center</b> [2] - 572:7,  572:13  <b>Central</b> [1] - 534:18</p>			

<p>546:4, 546:7, 546:8, 547:2, 547:11, 547:13, 548:23, 549:6, 549:15, 549:17, 549:19, 550:12, 551:22, 552:8, 552:19, 552:23, 552:24, 553:1, 554:9, 554:11, 555:4, 555:5, 555:6, 557:18, 557:22, 558:8, 558:16, 558:22, 559:23, 561:1, 561:10, 561:12, 561:13, 561:19, 561:22, 562:7, 562:23, 563:5, 564:7, 564:18, 564:19, 565:20, 566:1, 566:6, 566:7, 568:2, 568:4, 568:13, 568:19, 569:3, 569:15, 569:17, 569:20, 570:8, 570:11, 570:17, 571:4, 571:9, 571:15, 571:17, 572:15, 573:1, 573:8, 574:14, 574:22, 575:1, 575:3, 575:12, 575:20, 576:4, 576:6, 576:9, 576:11, 577:4, 577:15, 577:16, 577:23, 578:2, 578:14, 578:21, 580:16, 581:2, 581:13, 582:11, 583:17, 583:24, 584:5, 584:10, 585:5</p> <p><b>concentrated</b> [1] - 548:12</p> <p><b>concept</b> [1] - 570:14</p> <p><b>concern</b> [1] - 534:21</p> <p><b>Concerned</b> [1] - 554:21</p> <p><b>concerned</b> [2] - 558:24, 559:3</p> <p><b>concerns</b> [7] - 534:22, 538:12, 545:16, 549:8, 557:6, 567:9, 585:10</p> <p><b>concluded</b> [1] - 585:12</p> <p><b>concludes</b> [1] - 531:8</p> <p><b>condemn</b> [1] - 583:24</p> <p><b>condo</b> [1] - 537:6</p>	<p><b>conference</b> [1] - 571:16</p> <p><b>Conference</b> [1] - 572:2</p> <p><b>confidence</b> [1] - 573:1</p> <p><b>confusion</b> [3] - 543:12, 543:19, 580:19</p> <p><b>Conservation</b> [1] - 553:24</p> <p><b>consider</b> [2] - 534:11, 576:10</p> <p><b>consideration</b> [2] - 533:2, 564:3</p> <p><b>considered</b> [2] - 530:17, 558:22</p> <p><b>considering</b> [1] - 558:2</p> <p><b>consolidate</b> [1] - 543:14</p> <p><b>Consolidated</b> [5] - 529:5, 530:22, 531:1, 531:21, 545:6</p> <p><b>constituents</b> [1] - 580:21</p> <p><b>consumer</b> [3] - 538:17, 538:21, 544:13</p> <p><b>consumers</b> [1] - 544:20</p> <p><b>contact</b> [2] - 550:12</p> <p><b>contacted</b> [1] - 552:3</p> <p><b>context</b> [1] - 554:7</p> <p><b>continually</b> [2] - 560:23, 561:8</p> <p><b>continue</b> [1] - 572:4</p> <p><b>control</b> [1] - 572:14</p> <p><b>Coordinator</b> [1] - 553:24</p> <p><b>copied</b> [1] - 557:19</p> <p><b>copy</b> [2] - 548:3, 566:20</p> <p><b>corner</b> [4] - 542:18, 548:4, 548:15, 573:17</p> <p><b>corners</b> [1] - 577:8</p> <p><b>corporation</b> [1] - 584:5</p> <p><b>correct</b> [2] - 544:18, 576:6</p> <p><b>correctly</b> [3] - 539:13, 541:24, 545:12</p> <p><b>correspondence</b> [2] - 566:23, 567:1</p> <p><b>Cosgo</b> [1] - 581:21</p> <p><b>cost</b> [3] - 544:18, 548:7, 560:20</p> <p><b>cost/benefit</b> [1] - 534:9</p> <p><b>costing</b> [1] - 578:1</p>	<p><b>costs</b> [1] - 534:9</p> <p><b>county</b> [10] - 552:3, 552:4, 561:11, 562:14, 564:15, 564:17, 565:13, 577:1, 578:3, 583:22</p> <p><b>County</b> [26] - 531:3, 544:5, 558:8, 558:10, 558:12, 559:7, 560:22, 560:23, 564:18, 564:23, 565:10, 566:5, 566:11, 573:3, 575:7, 575:23, 576:2, 576:4, 577:11, 578:12, 578:22, 583:13, 583:18, 583:23, 583:24, 584:15</p> <p><b>couple</b> [1] - 564:14</p> <p><b>course</b> [1] - 546:16</p> <p><b>court</b> [1] - 530:11</p> <p><b>crews</b> [7] - 561:14, 562:3, 570:9, 575:3, 575:12, 575:13, 577:24</p> <p><b>crises</b> [1] - 562:8</p> <p><b>criticism</b> [2] - 568:9, 582:13</p> <p><b>cross</b> [1] - 547:22</p> <p><b>crowded</b> [1] - 566:16</p> <p><b>currents</b> [1] - 555:1</p> <p><b>customer</b> [3] - 558:9, 561:10, 578:7</p> <p><b>customers</b> [8] - 531:15, 538:23, 549:18, 564:13, 564:20, 568:21, 568:23</p> <p><b>customers'</b> [1] - 531:18</p> <p><b>cut</b> [4] - 542:7, 545:20, 546:20, 546:21</p> <p><b>cuts</b> [1] - 540:9</p> <p><b>cutting</b> [2] - 533:21, 577:8</p>	<p><b>days</b> [19] - 532:21, 534:15, 535:9, 537:22, 547:19, 553:14, 553:17, 554:24, 562:11, 562:22, 562:24, 563:14, 573:5, 573:10, 579:5, 579:11, 580:14, 584:2</p> <p><b>deal</b> [3] - 549:18, 578:11, 584:2</p> <p><b>dealing</b> [2] - 549:15, 558:13</p> <p><b>dean</b> [1] - 535:23</p> <p><b>death</b> [1] - 574:8</p> <p><b>December</b> [1] - 542:17</p> <p><b>decide</b> [1] - 582:15</p> <p><b>decisions</b> [1] - 574:8</p> <p><b>definitely</b> [2] - 543:1, 562:23</p> <p><b>degrees</b> [3] - 548:5, 548:16, 555:1</p> <p><b>delayed</b> [4] - 531:17, 563:23, 565:19, 569:6</p> <p><b>demand</b> [2] - 557:4, 574:14</p> <p><b>demands</b> [1] - 555:12</p> <p><b>denied</b> [1] - 560:15</p> <p><b>Dennis</b> [1] - 552:3</p> <p><b>deny</b> [1] - 560:8</p> <p><b>Department</b> [3] - 531:5, 572:6, 579:4</p> <p><b>department</b> [7] - 532:1, 538:21, 569:20, 571:11, 579:6, 579:7, 579:12</p> <p><b>departments</b> [7] - 568:21, 568:22, 568:24, 569:1, 570:7, 571:16, 578:24</p> <p><b>dependent</b> [1] - 568:2</p> <p><b>described</b> [1] - 564:6</p> <p><b>describing</b> [1] - 548:1</p> <p><b>desk</b> [1] - 539:6</p> <p><b>detail</b> [1] - 547:8</p> <p><b>details</b> [1] - 553:20</p> <p><b>determinations</b> [1] - 530:18</p> <p><b>determine</b> [2] - 575:14, 581:7</p> <p><b>devastation</b> [1] - 562:2</p> <p><b>dialysis</b> [2] - 562:15, 563:2</p> <p><b>die</b> [1] - 535:20</p> <p><b>difference</b> [2] - 581:10, 581:14</p>	<p><b>different</b> [8] - 534:8, 541:18, 542:19, 548:11, 548:20, 566:4, 575:23</p> <p><b>difficult</b> [2] - 537:6, 584:4</p> <p><b>difficulties</b> [1] - 561:3</p> <p><b>difficulty</b> [1] - 558:12</p> <p><b>dilapidated</b> [2] - 560:2, 565:2</p> <p><b>dire</b> [1] - 562:14</p> <p><b>directed</b> [1] - 552:4</p> <p><b>direction</b> [4] - 555:13, 556:24, 571:19, 572:1</p> <p><b>directions</b> [1] - 548:20</p> <p><b>directly</b> [1] - 552:18</p> <p><b>disabilities</b> [1] - 534:23</p> <p><b>disappointment</b> [1] - 560:11</p> <p><b>disaster</b> [1] - 562:16</p> <p><b>discussed</b> [1] - 572:21</p> <p><b>disease</b> [3] - 535:1, 535:22, 536:2</p> <p><b>disillusioned</b> [1] - 560:9</p> <p><b>disingenuous</b> [1] - 558:1</p> <p><b>dispatch</b> [1] - 574:17</p> <p><b>display</b> [3] - 568:22, 570:18, 571:1</p> <p><b>disrupted</b> [1] - 581:18</p> <p><b>disruptions</b> [1] - 565:19</p> <p><b>distribute</b> [2] - 556:3, 568:16</p> <p><b>distributed</b> [2] - 555:16, 556:2</p> <p><b>distributing</b> [2] - 542:2, 584:3</p> <p><b>distribution</b> [2] - 584:7, 584:8</p> <p><b>district</b> [1] - 565:14</p> <p><b>Dobbs</b> [3] - 534:14, 562:19, 579:10</p> <p><b>dollars</b> [4] - 544:19, 548:7, 552:17, 582:1</p> <p><b>done</b> [7] - 534:12, 534:13, 552:1, 553:13, 558:3, 566:12, 579:22</p> <p><b>double</b> [2] - 535:11, 577:18</p> <p><b>doubt</b> [1] - 569:23</p> <p><b>down</b> [17] - 530:12, 532:16, 533:22, 545:20, 546:20, 546:21, 548:16,</p>
<b>D</b>				
	<p><b>daily</b> [1] - 571:16</p> <p><b>damage</b> [1] - 569:4</p> <p><b>danger</b> [1] - 563:13</p> <p><b>dangerous</b> [1] - 557:2</p> <p><b>Dannet</b> [1] - 533:12</p> <p><b>dark</b> [6] - 545:11, 545:13, 546:14, 550:9, 567:22</p> <p><b>data</b> [1] - 543:18</p> <p><b>database</b> [1] - 541:23</p>			

<p>548:18, 562:4, 562:20, 567:8, 567:23, 569:19, 573:6, 573:8, 578:9, 584:19</p> <p><b>dramatic</b> [1] - 554:23</p> <p><b>Drive</b> [1] - 542:18</p> <p><b>driven</b> [1] - 568:20</p> <p><b>drove</b> [1] - 552:1</p> <p><b>dry</b> [2] - 542:2, 542:4</p> <p><b>dual</b> [1] - 578:23</p> <p><b>due</b> [3] - 554:18, 560:7, 560:16</p> <p><b>duration</b> [1] - 576:3</p> <p><b>during</b> [6] - 531:1, 545:2, 545:3, 552:7, 584:19</p>	<p>541:10, 541:20, 542:4, 543:3, 543:6, 543:17, 545:6, 546:4, 547:2, 549:6, 552:23, 552:24, 553:1, 554:11, 555:5, 557:18, 558:8, 559:23, 561:1, 561:12, 561:19, 563:5, 564:7, 564:18, 564:19, 565:20, 566:1, 568:2, 568:4, 568:5, 568:13, 568:19, 569:3, 569:15, 569:20, 570:8, 570:11, 570:18, 571:4, 571:9, 571:15, 571:18, 572:15, 573:1, 573:9, 575:2, 575:3, 575:20, 576:6, 576:9, 576:12, 577:4, 577:15, 577:17, 577:23, 578:2, 578:15, 578:21, 580:16, 581:2, 581:13, 582:12, 583:17, 584:1, 584:5, 584:10</p> <p><b>Edison's</b> [5] - 531:21, 555:6, 557:22, 566:6, 576:4</p> <p><b>effect</b> [2] - 564:7, 578:13</p> <p><b>effectuate</b> [1] - 559:19</p> <p><b>eight</b> [4] - 534:8, 536:18, 541:5, 552:1</p> <p><b>either</b> [1] - 533:21</p> <p><b>ELEANOR</b> [1] - 529:12</p> <p><b>Eleanor</b> [1] - 530:4</p> <p><b>electric</b> [4] - 531:2, 541:16, 552:20, 556:1</p> <p><b>Electric</b> [1] - 529:4</p> <p><b>electrical</b> [1] - 575:17</p> <p><b>electricity</b> [10] - 541:14, 542:6, 542:14, 543:1, 554:10, 555:23, 556:16, 581:11, 581:12, 584:3</p> <p><b>Elinore</b> [2] - 544:6, 584:18</p> <p><b>elsewhere</b> [1] - 577:13</p> <p><b>emergencies</b> [2] - 530:23, 580:4</p> <p><b>emergency</b> [6] - 531:22, 567:11,</p>	<p>568:24, 569:11, 571:21, 571:23</p> <p><b>emissions</b> [1] - 555:10</p> <p><b>emit</b> [1] - 556:6</p> <p><b>employ</b> [2] - 550:8, 550:23</p> <p><b>employees</b> [8] - 550:8, 550:10, 550:23, 552:10, 552:14, 561:24, 569:3, 574:18</p> <p><b>employing</b> [1] - 551:11</p> <p><b>empower</b> [1] - 584:14</p> <p><b>encourage</b> [1] - 538:15</p> <p><b>encouraged</b> [1] - 556:1</p> <p><b>encouraging</b> [2] - 555:15</p> <p><b>end</b> [2] - 540:19, 566:13</p> <p><b>ending</b> [1] - 565:21</p> <p><b>endured</b> [2] - 567:10, 568:9</p> <p><b>Energy</b> [2] - 553:24, 565:16</p> <p><b>energy</b> [5] - 556:5, 556:17, 556:20, 556:23</p> <p><b>engineer</b> [1] - 579:18</p> <p><b>enlarge</b> [1] - 555:20</p> <p><b>ensure</b> [3] - 563:11, 567:16, 568:4</p> <p><b>entering</b> [1] - 541:23</p> <p><b>entire</b> [2] - 569:22, 571:11</p> <p><b>entitled</b> [3] - 537:21, 558:17, 582:16</p> <p><b>entry</b> [1] - 543:18</p> <p><b>Environment</b> [1] - 565:16</p> <p><b>equipment</b> [8] - 543:5, 550:1, 550:2, 552:10, 552:15, 560:5, 565:3, 574:3</p> <p><b>equipped</b> [1] - 575:2</p> <p><b>Ernesto</b> [1] - 531:14</p> <p><b>especially</b> [2] - 554:11, 584:20</p> <p><b>Especially</b> [1] - 562:12</p> <p><b>estimate</b> [1] - 551:7</p> <p><b>estimated</b> [2] - 541:1, 550:15</p> <p><b>Europe</b> [1] - 556:20</p> <p><b>evening</b> [1] - 535:1</p> <p><b>event</b> [2] - 565:18, 575:9</p> <p><b>events</b> [1] - 554:20</p>	<p><b>example</b> [5] - 533:6, 534:14, 556:21, 559:20, 561:19</p> <p><b>excess</b> [1] - 555:23</p> <p><b>excessive</b> [2] - 544:16, 585:5</p> <p><b>excuse</b> [2] - 532:15, 576:7</p> <p><b>executive</b> [3] - 552:3, 552:4, 583:23</p> <p><b>Executive</b> [1] - 564:18</p> <p><b>executive's</b> [1] - 564:16</p> <p><b>exercise</b> [1] - 568:12</p> <p><b>existed</b> [1] - 543:20</p> <p><b>expand</b> [2] - 547:7, 558:1</p> <p><b>expect</b> [1] - 575:10</p> <p><b>expected</b> [1] - 566:13</p> <p><b>expensive</b> [1] - 576:15</p> <p><b>experience</b> [2] - 555:4, 558:2</p> <p><b>experienced</b> [2] - 542:23, 559:20</p> <p><b>experiencing</b> [1] - 563:21</p> <p><b>explained</b> [1] - 543:10</p> <p><b>express</b> [1] - 566:2</p> <p><b>extent</b> [1] - 559:22</p> <p><b>extra</b> [1] - 585:2</p> <p><b>extreme</b> [1] - 555:2</p> <p><b>extremes</b> [1] - 554:16</p>	<p><b>fashion</b> [2] - 559:18, 561:15</p> <p><b>fault</b> [1] - 533:19</p> <p><b>fed</b> [1] - 584:9</p> <p><b>fee</b> [1] - 537:11</p> <p><b>feedback</b> [1] - 574:16</p> <p><b>feeders</b> [1] - 576:18</p> <p><b>feet</b> [1] - 548:19</p> <p><b>Feiner</b> [4] - 532:11, 532:12, 560:19, 562:13</p> <p><b>FEINER</b> [5] - 532:12, 537:3, 538:7, 539:1, 539:8</p> <p><b>felt</b> [1] - 535:15</p> <p><b>Ferry</b> [3] - 534:14, 562:19, 579:10</p> <p><b>few</b> [1] - 532:20</p> <p><b>fiber optic</b> [2] - 547:15, 548:10</p> <p><b>figuratively</b> [1] - 567:21</p> <p><b>figuring</b> [1] - 581:23</p> <p><b>file</b> [2] - 538:15, 538:17</p> <p><b>filed</b> [2] - 539:17, 564:11</p> <p><b>filings</b> [2] - 532:1, 532:3</p> <p><b>filled</b> [1] - 532:8</p> <p><b>final</b> [2] - 530:18, 536:24</p> <p><b>financial</b> [1] - 582:12</p> <p><b>finish</b> [1] - 541:6</p> <p><b>fire</b> [3] - 549:17, 579:5, 579:12</p> <p><b>first</b> [4] - 568:14, 574:21, 576:20, 581:14</p> <p><b>First</b> [1] - 539:12</p> <p><b>firsthand</b> [1] - 567:9</p> <p><b>five</b> [11] - 532:22, 533:14, 537:21, 547:18, 548:6, 553:14, 553:16, 562:10, 575:10, 576:1, 580:14</p> <p><b>fix</b> [6] - 543:7, 550:19, 570:4, 571:6, 579:17, 580:15</p> <p><b>fixed</b> [9] - 540:15, 540:16, 541:3, 543:9, 543:16, 543:24, 544:3, 544:10, 581:19</p> <p><b>flake</b> [1] - 569:12</p> <p><b>flashlight</b> [1] - 584:22</p> <p><b>flavor</b> [1] - 567:3</p> <p><b>flick</b> [1] - 580:5</p> <p><b>flirting</b> [1] - 562:16</p>	
<b>E</b>					
<p><b>e-mail</b> [4] - 533:12, 570:17, 570:18</p> <p><b>e-mails</b> [1] - 566:24</p> <p><b>early</b> [1] - 540:2</p> <p><b>Eastchester</b> [1] - 579:4</p> <p><b>economic</b> [1] - 583:5</p> <p><b>Ed</b> [43] - 533:1, 533:2, 533:20, 534:1, 534:11, 535:2, 535:7, 535:8, 535:15, 536:6, 536:10, 536:13, 536:17, 536:21, 537:4, 537:9, 539:16, 539:22, 540:7, 542:1, 544:10, 546:8, 547:12, 547:13, 548:23, 549:16, 549:17, 549:19, 550:12, 551:22, 552:8, 552:19, 561:10, 561:13, 561:22, 562:7, 562:23, 566:7, 569:18, 574:14, 574:22, 575:12, 585:5</p> <p><b>Ed's</b> [7] - 533:19, 537:19, 538:3, 546:7, 554:9, 558:16, 558:22</p> <p><b>Edgemont</b> [2] - 533:7, 536:16</p> <p><b>Edison</b> [77] - 529:5, 530:9, 530:22, 531:1, 531:9, 531:15, 532:1, 540:14, 541:1,</p>	<p>571:18, 572:15, 573:1, 573:9, 575:2, 575:3, 575:20, 576:6, 576:9, 576:12, 577:4, 577:15, 577:17, 577:23, 578:2, 578:15, 578:21, 580:16, 581:2, 581:13, 582:12, 583:17, 584:1, 584:5, 584:10</p> <p><b>Edison's</b> [5] - 531:21, 555:6, 557:22, 566:6, 576:4</p> <p><b>effect</b> [2] - 564:7, 578:13</p> <p><b>effectuate</b> [1] - 559:19</p> <p><b>eight</b> [4] - 534:8, 536:18, 541:5, 552:1</p> <p><b>either</b> [1] - 533:21</p> <p><b>ELEANOR</b> [1] - 529:12</p> <p><b>Eleanor</b> [1] - 530:4</p> <p><b>electric</b> [4] - 531:2, 541:16, 552:20, 556:1</p> <p><b>Electric</b> [1] - 529:4</p> <p><b>electrical</b> [1] - 575:17</p> <p><b>electricity</b> [10] - 541:14, 542:6, 542:14, 543:1, 554:10, 555:23, 556:16, 581:11, 581:12, 584:3</p> <p><b>Elinore</b> [2] - 544:6, 584:18</p> <p><b>elsewhere</b> [1] - 577:13</p> <p><b>emergencies</b> [2] - 530:23, 580:4</p> <p><b>emergency</b> [6] - 531:22, 567:11,</p>	<p>568:24, 569:11, 571:21, 571:23</p> <p><b>emissions</b> [1] - 555:10</p> <p><b>emit</b> [1] - 556:6</p> <p><b>employ</b> [2] - 550:8, 550:23</p> <p><b>employees</b> [8] - 550:8, 550:10, 550:23, 552:10, 552:14, 561:24, 569:3, 574:18</p> <p><b>employing</b> [1] - 551:11</p> <p><b>empower</b> [1] - 584:14</p> <p><b>encourage</b> [1] - 538:15</p> <p><b>encouraged</b> [1] - 556:1</p> <p><b>encouraging</b> [2] - 555:15</p> <p><b>end</b> [2] - 540:19, 566:13</p> <p><b>ending</b> [1] - 565:21</p> <p><b>endured</b> [2] - 567:10, 568:9</p> <p><b>Energy</b> [2] - 553:24, 565:16</p> <p><b>energy</b> [5] - 556:5, 556:17, 556:20, 556:23</p> <p><b>engineer</b> [1] - 579:18</p> <p><b>enlarge</b> [1] - 555:20</p> <p><b>ensure</b> [3] - 563:11, 567:16, 568:4</p> <p><b>entering</b> [1] - 541:23</p> <p><b>entire</b> [2] - 569:22, 571:11</p> <p><b>entitled</b> [3] - 537:21, 558:17, 582:16</p> <p><b>entry</b> [1] - 543:18</p> <p><b>Environment</b> [1] - 565:16</p> <p><b>equipment</b> [8] - 543:5, 550:1, 550:2, 552:10, 552:15, 560:5, 565:3, 574:3</p> <p><b>equipped</b> [1] - 575:2</p> <p><b>Ernesto</b> [1] - 531:14</p> <p><b>especially</b> [2] - 554:11, 584:20</p> <p><b>Especially</b> [1] - 562:12</p> <p><b>estimate</b> [1] - 551:7</p> <p><b>estimated</b> [2] - 541:1, 550:15</p> <p><b>Europe</b> [1] - 556:20</p> <p><b>evening</b> [1] - 535:1</p> <p><b>event</b> [2] - 565:18, 575:9</p> <p><b>events</b> [1] - 554:20</p>	<p><b>example</b> [5] - 533:6, 534:14, 556:21, 559:20, 561:19</p> <p><b>excess</b> [1] - 555:23</p> <p><b>excessive</b> [2] - 544:16, 585:5</p> <p><b>excuse</b> [2] - 532:15, 576:7</p> <p><b>executive</b> [3] - 552:3, 552:4, 583:23</p> <p><b>Executive</b> [1] - 564:18</p> <p><b>executive's</b> [1] - 564:16</p> <p><b>exercise</b> [1] - 568:12</p> <p><b>existed</b> [1] - 543:20</p> <p><b>expand</b> [2] - 547:7, 558:1</p> <p><b>expect</b> [1] - 575:10</p> <p><b>expected</b> [1] - 566:13</p> <p><b>expensive</b> [1] - 576:15</p> <p><b>experience</b> [2] - 555:4, 558:2</p> <p><b>experienced</b> [2] - 542:23, 559:20</p> <p><b>experiencing</b> [1] - 563:21</p> <p><b>explained</b> [1] - 543:10</p> <p><b>express</b> [1] - 566:2</p> <p><b>extent</b> [1] - 559:22</p> <p><b>extra</b> [1] - 585:2</p> <p><b>extreme</b> [1] - 555:2</p> <p><b>extremes</b> [1] - 554:16</p>	<p><b>fashion</b> [2] - 559:18, 561:15</p> <p><b>fault</b> [1] - 533:19</p> <p><b>fed</b> [1] - 584:9</p> <p><b>fee</b> [1] - 537:11</p> <p><b>feedback</b> [1] - 574:16</p> <p><b>feeders</b> [1] - 576:18</p> <p><b>feet</b> [1] - 548:19</p> <p><b>Feiner</b> [4] - 532:11, 532:12, 560:19, 562:13</p> <p><b>FEINER</b> [5] - 532:12, 537:3, 538:7, 539:1, 539:8</p> <p><b>felt</b> [1] - 535:15</p> <p><b>Ferry</b> [3] - 534:14, 562:19, 579:10</p> <p><b>few</b> [1] - 532:20</p> <p><b>fiber optic</b> [2] - 547:15, 548:10</p> <p><b>figuratively</b> [1] - 567:21</p> <p><b>figuring</b> [1] - 581:23</p> <p><b>file</b> [2] - 538:15, 538:17</p> <p><b>filed</b> [2] - 539:17, 564:11</p> <p><b>filings</b> [2] - 532:1, 532:3</p> <p><b>filled</b> [1] - 532:8</p> <p><b>final</b> [2] - 530:18, 536:24</p> <p><b>financial</b> [1] - 582:12</p> <p><b>finish</b> [1] - 541:6</p> <p><b>fire</b> [3] - 549:17, 579:5, 579:12</p> <p><b>first</b> [4] - 568:14, 574:21, 576:20, 581:14</p> <p><b>First</b> [1] - 539:12</p> <p><b>firsthand</b> [1] - 567:9</p> <p><b>five</b> [11] - 532:22, 533:14, 537:21, 547:18, 548:6, 553:14, 553:16, 562:10, 575:10, 576:1, 580:14</p> <p><b>fix</b> [6] - 543:7, 550:19, 570:4, 571:6, 579:17, 580:15</p> <p><b>fixed</b> [9] - 540:15, 540:16, 541:3, 543:9, 543:16, 543:24, 544:3, 544:10, 581:19</p> <p><b>flake</b> [1] - 569:12</p> <p><b>flashlight</b> [1] - 584:22</p> <p><b>flavor</b> [1] - 567:3</p> <p><b>flick</b> [1] - 580:5</p> <p><b>flirting</b> [1] - 562:16</p>	
<b>E</b>					
<p><b>e-mail</b> [4] - 533:12, 570:17, 570:18</p> <p><b>e-mails</b> [1] - 566:24</p> <p><b>early</b> [1] - 540:2</p> <p><b>Eastchester</b> [1] - 579:4</p> <p><b>economic</b> [1] - 583:5</p> <p><b>Ed</b> [43] - 533:1, 533:2, 533:20, 534:1, 534:11, 535:2, 535:7, 535:8, 535:15, 536:6, 536:10, 536:13, 536:17, 536:21, 537:4, 537:9, 539:16, 539:22, 540:7, 542:1, 544:10, 546:8, 547:12, 547:13, 548:23, 549:16, 549:17, 549:19, 550:12, 551:22, 552:8, 552:19, 561:10, 561:13, 561:22, 562:7, 562:23, 566:7, 569:18, 574:14, 574:22, 575:12, 585:5</p> <p><b>Ed's</b> [7] - 533:19, 537:19, 538:3, 546:7, 554:9, 558:16, 558:22</p> <p><b>Edgemont</b> [2] - 533:7, 536:16</p> <p><b>Edison</b> [77] - 529:5, 530:9, 530:22, 531:1, 531:9, 531:15, 532:1, 540:14, 541:1,</p>		<p>571:18, 572:15, 573:1, 573:9, 575:2, 575:3, 575:20, 576:6, 576:9, 576:12, 577:4, 577:15, 577:17, 577:23, 578:2, 578:15, 578:21, 580:16, 581:2, 581:13, 582:12, 583:17, 584:1, 584:5, 584:10</p> <p><b>Edison's</b> [5] - 531:21, 555:6, 557:22, 566:6, 576:4</p> <p><b>effect</b> [2] - 564:7, 578:13</p> <p><b>effectuate</b> [1] - 559:19</p> <p><b>eight</b> [4] - 534:8, 536:18, 541:5, 552:1</p> <p><b>either</b> [1] - 533:21</p> <p><b>ELEANOR</b> [1] - 529:12</p> <p><b>Eleanor</b> [1] - 530:4</p> <p><b>electric</b> [4] - 531:2, 541:16, 552:20, 556:1</p> <p><b>Electric</b> [1] - 529:4</p> <p><b>electrical</b> [1] - 575:17</p> <p><b>electricity</b> [10] - 541:14, 542:6, 542:14, 543:1, 554:10, 555:23, 556:16, 581:11, 581:12, 584:3</p> <p><b>Elinore</b> [2] - 544:6, 584:18</p> <p><b>elsewhere</b> [1] - 577:13</p> <p><b>emergencies</b> [2] - 530:23, 580:4</p> <p><b>emergency</b> [6] - 531:22, 567:11,</p>	<p>568:24, 569:11, 571:21, 571:23</p> <p><b>emissions</b> [1] - 555:10</p> <p><b>emit</b> [1] - 556:6</p> <p><b>employ</b> [2] - 550:8, 550:23</p> <p><b>employees</b> [8] - 550:8, 550:10, 550:23, 552:10, 552:14, 561:24, 569:3, 574:18</p> <p><b>employing</b> [1] - 551:11</p> <p><b>empower</b> [1] - 584:14</p> <p><b>encourage</b> [1] - 538:15</p> <p><b>encouraged</b> [1] - 556:1</p> <p><b>encouraging</b> [2] - 555:15</p> <p><b>end</b> [2] - 540:19, 566:13</p> <p><b>ending</b> [1] - 565:21</p> <p><b>endured</b> [2] - 567:10, 568:9</p> <p><b>Energy</b> [2] - 553:24, 565:16</p> <p><b>energy</b> [5] - 556:5, 556:17, 556:20, 556:23</p> <p><b>engineer</b> [1] - 579:18</p> <p><b>enlarge</b> [1] - 555:20</p> <p><b>ensure</b> [3] - 563:11, 567:16, 568:4</p> <p><b>entering</b> [1] - 541:23</p> <p><b>entire</b> [2] - 569:22, 571:11</p> <p><b>entitled</b> [3] - 537:21, 558:17, 582:16</p> <p><b>entry</b> [1] - 543:18</p> <p><b>Environment</b> [1] - 565:16</p> <p><b>equipment</b> [8] - 543:5, 550:1, 550:2, 552:10, 552:15, 560:5, 565:3, 574:3</p> <p><b>equipped</b> [1] - 575:2</p> <p><b>Ernesto</b> [1] - 531:14</p> <p><b>especially</b> [2] - 554:11, 584:20</p> <p><b>Especially</b> [1] - 562:12</p> <p><b>estimate</b> [1] - 551:7</p> <p><b>estimated</b> [2] - 541:1, 550:15</p> <p><b>Europe</b> [1] - 556:20</p> <p><b>evening</b> [1] - 535:1</p> <p><b>event</b> [2] - 565:18, 575:9</p> <p><b>events</b> [1] - 554:20</p>	<p><b>example</b> [5] - 533:6, 534:14, 556:21, 559:20, 561:19</p> <p><b>excess</b> [1] - 555:23</p> <p><b>excessive</b> [2] - 544:16, 585:5</p> <p><b>excuse</b> [2] - 532:15, 576:7</p> <p><b>executive</b> [3] - 552:3, 552:4, 583:23</p> <p><b>Executive</b> [1] - 564:18</p> <p><b>executive's</b> [1] - 564:16</p> <p><b>exercise</b> [1] - 568:12</p> <p><b>existed</b> [1] - 543:20</p> <p><b>expand</b> [2] - 547:7, 558:1</p> <p><b>expect</b> [1] - 575:10</p> <p><b>expected</b> [1] - 566:13</p> <p><b>expensive</b> [1] - 576:15</p> <p><b>experience</b> [2] - 555:4, 558:2</p> <p><b>experienced</b> [2] - 542:23, 559:20</p> <p><b>experiencing</b> [1] - 563:21</p> <p><b>explained</b> [1] - 543:10</p> <p><b>express</b> [1] - 566:2</p> <p><b>extent</b> [1] - 559:22</p> <p><b>extra</b> [1] - 585:2</p> <p><b>extreme</b> [1] - 555:2</p> <p><b>extremes</b> [1] - 554:16</p>	<p><b>fashion</b> [2] - 559:18, 561:15</p> <p><b>fault</b> [1] - 533:19</p> <p><b>fed</b> [1] - 584:9</p> <p><b>fee</b> [1] - 537:11</p> <p><b>feedback</b> [1] - 574:16</p> <p><b>feeders</b> [1] - 576:18</p> <p><b>feet</b> [1] - 548:19</p> <p><b>Feiner</b> [4] - 532:11, 532:12, 560:19, 562:13</p> <p><b>FEINER</b> [5] - 532:12, 537:3, 538:7, 539:1, 539:8</p> <p><b>felt</b> [1] - 535:15</p> <p><b>Ferry</b> [3] - 534:14, 562:19, 579:10</p> <p><b>few</b> [1] - 532:20</p> <p><b>fiber optic</b> [2] - 547:15, 548:10</p> <p><b>figuratively</b> [1] - 567:21</p> <p><b>figuring</b> [1] - 581:23</p> <p><b>file</b> [2] - 538:15, 538:17</p> <p><b>filed</b> [2] - 539:17, 564:11</p> <p><b>filings</b> [2] - 532:1, 532:3</p> <p><b>filled</b> [1] - 532:8</p> <p><b>final</b> [2] - 530:18, 536:24</p> <p><b>financial&lt;/</b></p>

<p><b>Florida</b> [1] - 584:19  <b>following</b> [5] - 531:2, 532:2, 540:6, 540:24, 577:10  <b>food</b> [6] - 539:21, 569:5, 581:17, 582:1, 584:23, 585:6  <b>force</b> [4] - 575:4, 582:7, 584:13  <b>forget</b> [2] - 559:21  <b>form</b> [3] - 532:6, 539:17, 561:7  <b>forms</b> [2] - 564:14, 580:24  <b>forward</b> [3] - 542:11, 555:8, 566:22  <b>forwarding</b> [1] - 581:1  <b>four</b> [7] - 541:9, 542:24, 548:10, 562:10, 579:5, 580:14, 582:1  <b>frank</b> [1] - 583:20  <b>frankly</b> [2] - 568:10, 583:12  <b>free</b> [1] - 582:11  <b>freezer</b> [2] - 539:21, 585:1  <b>frequency</b> [1] - 554:17  <b>Friday</b> [2] - 551:18, 551:22  <b>fried</b> [1] - 552:16  <b>frightening</b> [1] - 563:6  <b>frightfully</b> [1] - 576:15  <b>front</b> [2] - 551:15, 569:18  <b>frustrated</b> [3] - 536:20, 538:9, 551:8  <b>frustrating</b> [1] - 562:5  <b>frustration</b> [1] - 584:8  <b>frustrations</b> [1] - 567:9  <b>full</b> [3] - 539:21, 563:3, 575:4  <b>future</b> [1] - 554:10</p>	<p><b>Generator</b> [1] - 573:2  <b>generator</b> [3] - 537:7, 573:2, 573:20  <b>generators</b> [7] - 537:5, 537:10, 545:4, 562:21, 579:6, 579:11  <b>gentleman</b> [1] - 551:24  <b>Gentlemen</b> [1] - 540:5  <b>Germany</b> [1] - 556:22  <b>gesturing</b> [1] - 547:24  <b>Gilberti</b> [1] - 558:4  <b>GILIBERTI</b> [3] - 558:5, 564:14, 565:5  <b>given</b> [4] - 535:18, 566:13, 566:17, 584:11  <b>global</b> [5] - 554:18, 555:10, 556:6, 556:8, 557:1  <b>goal</b> [1] - 530:7  <b>goods</b> [2] - 585:2, 585:3  <b>Gordon</b> [3] - 544:6, 547:6, 584:18  <b>GORDON</b> [5] - 544:7, 547:5, 547:7, 548:2, 584:17  <b>government</b> [2] - 563:9, 564:15  <b>Governor</b> [1] - 557:11  <b>governs</b> [1] - 563:10  <b>grace</b> [1] - 581:13  <b>grander</b> [1] - 566:9  <b>greater</b> [2] - 559:10  <b>greatly</b> [1] - 555:24  <b>Greenburgh</b> [12] - 529:9, 532:13, 532:14, 532:19, 533:7, 554:1, 565:14, 566:11, 572:5, 572:8, 572:10, 572:16  <b>Greg</b> [2] - 549:9, 549:11  <b>grid</b> [5] - 536:13, 542:19, 554:15, 555:12, 557:3  <b>grids</b> [1] - 534:18  <b>growing</b> [2] - 557:4, 566:6  <b>guarantee</b> [1] - 537:14  <b>guess</b> [2] - 578:5, 579:16  <b>guy</b> [2] - 570:2, 573:17  <b>guys</b> [1] - 573:8</p>	<h2>H</h2>	<p><b>half</b> [5] - 541:7, 566:20, 573:14, 573:16, 577:18  <b>hall</b> [1] - 532:16  <b>Hall</b> [1] - 529:8  <b>hand</b> [4] - 561:15, 561:24, 562:9, 563:11  <b>handle</b> [1] - 575:2  <b>handling</b> [1] - 575:3  <b>hang</b> [4] - 545:22, 545:23, 546:2, 546:3  <b>hanging</b> [2] - 548:5, 548:17  <b>happy</b> [3] - 547:4, 548:23, 553:10  <b>Hartsdale</b> [1] - 535:6  <b>hate</b> [1] - 584:10  <b>Hawthorne</b> [2] - 549:12, 549:13  <b>head</b> [1] - 549:20  <b>headache</b> [1] - 561:1  <b>hear</b> [9] - 530:8, 531:4, 532:10, 544:13, 567:9, 567:14, 570:7, 570:8, 583:17  <b>heard</b> [18] - 549:8, 561:20, 561:22, 567:3, 567:13, 568:8, 569:7, 569:8, 569:9, 572:20, 573:23, 575:8, 577:14, 579:2, 580:20, 581:2  <b>Hearing</b> [1] - 529:7  <b>hearing</b> [10] - 530:3, 530:7, 530:19, 531:8, 532:14, 566:1, 567:6, 579:15, 585:9, 585:12  <b>hearings</b> [10] - 549:1, 564:22, 565:17, 565:23, 566:16, 567:21, 568:8, 571:15, 572:21, 582:15  <b>hears</b> [1] - 544:12  <b>heat</b> [4] - 554:14, 555:1, 565:8, 581:12  <b>hefty</b> [1] - 568:9  <b>held</b> [3] - 543:4, 564:23, 565:17  <b>Hello</b> [1] - 549:10  <b>help</b> [7] - 547:4, 549:4, 553:8, 553:11, 557:1, 564:3, 567:23</p>	<p><b>helpful</b> [1] - 553:20  <b>high</b> [2] - 534:14, 547:13  <b>higher</b> [3] - 546:18, 555:1  <b>highest</b> [1] - 535:18  <b>hill</b> [1] - 547:21  <b>Hillside</b> [1] - 529:8  <b>hit</b> [2] - 562:1, 565:8  <b>Holbrooke</b> [7] - 533:6, 540:10, 541:9, 541:12, 541:15, 542:15, 542:20  <b>holding</b> [1] - 532:14  <b>home</b> [6] - 542:3, 542:17, 550:11, 570:2, 574:1, 574:2  <b>homeowner</b> [2] - 544:22, 546:21  <b>homeowners</b> [1] - 556:15  <b>homes</b> [1] - 579:1  <b>honest</b> [2] - 574:10, 574:17  <b>honored</b> [1] - 535:23  <b>hope</b> [4] - 557:14, 560:12, 562:6, 564:2  <b>hoping</b> [1] - 547:10  <b>horrible</b> [1] - 551:19  <b>Hospital</b> [2] - 562:20, 579:10  <b>hospital</b> [6] - 563:3, 563:4, 563:13, 574:1, 574:6, 579:13  <b>hospitals</b> [1] - 579:1  <b>hot</b> [1] - 545:11  <b>hotel</b> [1] - 574:6  <b>hour</b> [2] - 540:2, 580:1  <b>hours</b> [13] - 540:21, 541:5, 541:7, 544:11, 566:17, 566:20, 570:3, 573:5, 573:11, 581:14, 581:17  <b>house</b> [3] - 557:9, 569:19, 573:16  <b>household</b> [1] - 563:2  <b>houses</b> [2] - 545:19, 545:21  <b>huge</b> [2] - 548:4, 556:22  <b>human</b> [1] - 572:4  <b>hundred</b> [3] - 548:19, 554:24, 582:1  <b>hundreds</b> [1] - 536:11  <b>hurricanes</b> [1] - 584:20  <b>hurt</b> [2] - 582:17, 583:1  <b>husband</b> [1] - 574:2</p>	<h2>I</h2>	<p><b>ice</b> [4] - 542:2, 542:5, 545:10, 545:14  <b>idea</b> [4] - 546:15, 569:16, 570:10, 573:4  <b>illegal</b> [1] - 563:7  <b>immediate</b> [1] - 531:12  <b>immediately</b> [1] - 573:1  <b>immune</b> [1] - 582:13  <b>impact</b> [2] - 554:22, 576:17  <b>impacts</b> [1] - 557:2  <b>important</b> [2] - 534:4, 572:22  <b>imposed</b> [1] - 537:17  <b>inappropriate</b> [1] - 538:19  <b>Inc.'s</b> [1] - 529:5  <b>incentive</b> [4] - 582:11, 582:12, 582:14, 582:24  <b>increment</b> [1] - 561:5  <b>inclined</b> [1] - 561:23  <b>include</b> [2] - 539:24, 554:14  <b>included</b> [1] - 565:6  <b>includes</b> [1] - 572:11  <b>including</b> [1] - 554:24  <b>incomes</b> [1] - 581:19  <b>incorporate</b> [1] - 567:5  <b>increase</b> [3] - 554:17, 555:11, 582:16  <b>increased</b> [1] - 555:1  <b>increases</b> [1] - 554:23  <b>increasingly</b> [1] - 576:7  <b>incurred</b> [1] - 560:21  <b>indeed</b> [1] - 565:1  <b>independent</b> [1] - 531:20  <b>index</b> [1] - 555:1  <b>indication</b> [1] - 567:15  <b>indicative</b> [2] - 558:21, 558:22  <b>individual</b> [2] - 534:24, 555:7  <b>individuals</b> [1] - 575:8  <b>inevitable</b> [2] - 569:6, 576:2  <b>information</b> [10] - 530:19, 531:19, 541:23, 542:4, 567:5, 568:16, 568:23, 573:19, 574:9, 579:9</p>
<h2>G</h2>	<p><b>gas</b> [1] - 557:9  <b>gasses</b> [1] - 556:7  <b>gather</b> [2] - 568:7, 579:18  <b>Gehrig's</b> [3] - 534:24, 535:22, 536:1  <b>general</b> [1] - 564:12  <b>generate</b> [2] - 556:16, 569:3  <b>generating</b> [1] - 584:3  <b>generation</b> [5] - 549:14, 555:16, 555:18, 556:2, 556:4</p>	<h2>I</h2>	<p><b>ice</b> [4] - 542:2, 542:5, 545:10, 545:14  <b>idea</b> [4] - 546:15, 569:16, 570:10, 573:4  <b>illegal</b> [1] - 563:7  <b>immediate</b> [1] - 531:12  <b>immediately</b> [1] - 573:1  <b>immune</b> [1] - 582:13  <b>impact</b> [2] - 554:22, 576:17  <b>impacts</b> [1] - 557:2  <b>important</b> [2] - 534:4, 572:22  <b>imposed</b> [1] - 537:17  <b>inappropriate</b> [1] - 538:19  <b>Inc.'s</b> [1] - 529:5  <b>incentive</b> [4] - 582:11, 582:12, 582:14, 582:24  <b>increment</b> [1] - 561:5  <b>inclined</b> [1] - 561:23  <b>include</b> [2] - 539:24, 554:14  <b>included</b> [1] - 565:6  <b>includes</b> [1] - 572:11  <b>including</b> [1] - 554:24  <b>incomes</b> [1] - 581:19  <b>incorporate</b> [1] - 567:5  <b>increase</b> [3] - 554:17, 555:11, 582:16  <b>increased</b> [1] - 555:1  <b>increases</b> [1] - 554:23  <b>increasingly</b> [1] - 576:7  <b>incurred</b> [1] - 560:21  <b>indeed</b> [1] - 565:1  <b>independent</b> [1] - 531:20  <b>index</b> [1] - 555:1  <b>indication</b> [1] - 567:15  <b>indicative</b> [2] - 558:21, 558:22  <b>individual</b> [2] - 534:24, 555:7  <b>individuals</b> [1] - 575:8  <b>inevitable</b> [2] - 569:6, 576:2  <b>information</b> [10] - 530:19, 531:19, 541:23, 542:4, 567:5, 568:16, 568:23, 573:19, 574:9, 579:9</p>	<h2>I</h2>	<p><b>ice</b> [4] - 542:2, 542:5, 545:10, 545:14  <b>idea</b> [4] - 546:15, 569:16, 570:10, 573:4  <b>illegal</b> [1] - 563:7  <b>immediate</b> [1] - 531:12  <b>immediately</b> [1] - 573:1  <b>immune</b> [1] - 582:13  <b>impact</b> [2] - 554:22, 576:17  <b>impacts</b> [1] - 557:2  <b>important</b> [2] - 534:4, 572:22  <b>imposed</b> [1] - 537:17  <b>inappropriate</b> [1] - 538:19  <b>Inc.'s</b> [1] - 529:5  <b>incentive</b> [4] - 582:11, 582:12, 582:14, 582:24  <b>increment</b> [1] - 561:5  <b>inclined</b> [1] - 561:23  <b>include</b> [2] - 539:24, 554:14  <b>included</b> [1] - 565:6  <b>includes</b> [1] - 572:11  <b>including</b> [1] - 554:24  <b>incomes</b> [1] - 581:19  <b>incorporate</b> [1] - 567:5  <b>increase</b> [3] - 554:17, 555:11, 582:16  <b>increased</b> [1] - 555:1  <b>increases</b> [1] - 554:23  <b>increasingly</b> [1] - 576:7  <b>incurred</b> [1] - 560:21  <b>indeed</b> [1] - 565:1  <b>independent</b> [1] - 531:20  <b>index</b> [1] - 555:1  <b>indication</b> [1] - 567:15  <b>indicative</b> [2] - 558:21, 558:22  <b>individual</b> [2] - 534:24, 555:7  <b>individuals</b> [1] - 575:8  <b>inevitable</b> [2] - 569:6, 576:2  <b>information</b> [10] - 530:19, 531:19, 541:23, 542:4, 567:5, 568:16, 568:23, 573:19, 574:9, 579:9</p>	

<p><b>Infrastructure</b> [8] - 560:2, 560:4, 561:4, 564:9, 565:2, 565:9, 575:17, 580:7</p> <p><b>Initiative</b> [1] - 557:9</p> <p><b>Innovative</b> [1] - 568:15</p> <p><b>Insert</b> [1] - 585:4</p> <p><b>Inside</b> [1] - 552:15</p> <p><b>Install</b> [3] - 537:5, 537:11, 556:1</p> <p><b>Instituted</b> [1] - 531:12</p> <p><b>Institutionalize</b> [1] - 578:13</p> <p><b>Insulated</b> [1] - 583:6</p> <p><b>Intelligence</b> [1] - 557:12</p> <p><b>Intended</b> [2] - 546:15, 564:7</p> <p><b>Intense</b> [1] - 576:7</p> <p><b>Intensity</b> [1] - 554:18</p> <p><b>Interaction</b> [1] - 572:4</p> <p><b>Interactive</b> [3] - 568:20, 570:14, 572:9</p> <p><b>Interest</b> [1] - 559:1</p> <p><b>Interesting</b> [2] - 536:5, 578:12</p> <p><b>Interests</b> [1] - 563:10</p> <p><b>Interject</b> [1] - 567:4</p> <p><b>Internet</b> [1] - 542:5</p> <p><b>Intersection</b> [3] - 547:20, 547:24</p> <p><b>Introduction</b> [1] - 558:18</p> <p><b>Invalids</b> [1] - 573:24</p> <p><b>Inventory</b> [1] - 533:3</p> <p><b>Invest</b> [1] - 561:13</p> <p><b>Invested</b> [1] - 575:19</p> <p><b>Investigate</b> [1] - 529:4</p> <p><b>Investigation</b> [3] - 530:24, 531:24, 561:18</p> <p><b>Investing</b> [2] - 575:16, 575:21</p> <p><b>Invite</b> [1] - 538:20</p> <p><b>Invited</b> [1] - 567:19</p> <p><b>Involved</b> [1] - 558:15</p> <p><b>Irrington</b> [1] - 572:11</p> <p><b>Island</b> [1] - 529:5</p> <p><b>Isolate</b> [2] - 580:9, 580:11</p> <p><b>Isolating</b> [1] - 580:14</p> <p><b>Issue</b> [4] - 530:16, 549:18, 559:23, 561:12</p> <p><b>Issued</b> [1] - 564:16</p> <p><b>Issues</b> [2] - 549:15, 552:6</p>	<p style="text-align: center;"><b>J</b></p> <p><b>January</b> [2] - 554:14, 559:21</p> <p><b>Jeanne</b> [1] - 529:22</p> <p><b>Jeopardy</b> [1] - 563:4</p> <p><b>Job</b> [6] - 533:21, 541:6, 541:21, 557:8, 579:23</p> <p><b>Join</b> [1] - 568:7</p> <p><b>Journal</b> [1] - 542:4</p> <p><b>Judge</b> [3] - 529:13, 530:3, 558:5</p> <p><b>JUDGE</b> [22] - 530:1, 537:2, 538:2, 538:15, 539:10, 544:4, 547:1, 547:6, 547:23, 549:5, 553:19, 556:13, 557:5, 557:20, 558:4, 564:5, 565:4, 565:10, 567:4, 571:20, 584:16, 585:7</p> <p><b>July</b> [7] - 530:10, 531:2, 538:13, 539:19, 540:19, 553:4, 559:21</p> <p><b>June</b> [1] - 542:16</p> <p><b>Jurisdiction</b> [1] - 572:7</p> <p style="text-align: center;"><b>K</b></p> <p><b>keep</b> [3] - 551:5, 561:24, 583:8</p> <p><b>keeping</b> [1] - 561:14</p> <p><b>keeps</b> [1] - 562:9</p> <p><b>Kept</b> [1] - 551:21</p> <p><b>kept</b> [4] - 535:5, 535:12, 551:3, 551:21</p> <p><b>kind</b> [12] - 539:19, 539:22, 543:11, 544:1, 549:17, 549:18, 550:14, 554:16, 568:7, 572:2, 572:20, 584:6</p> <p><b>kinds</b> [1] - 566:24</p> <p><b>knowing</b> [2] - 573:12, 581:22</p> <p><b>knowledge</b> [1] - 562:9</p> <p><b>knows</b> [1] - 548:10</p> <p><b>Kofi</b> [1] - 535:24</p> <p><b>kw</b> [1] - 555:22</p> <p style="text-align: center;"><b>L</b></p> <p><b>Labor</b> [4] - 543:12, 549:22, 561:23, 577:15</p> <p><b>lack</b> [4] - 543:5, 569:7,</p>	<p>570:13, 582:22</p> <p><b>lady</b> [1] - 551:17</p> <p><b>Lane</b> [3] - 533:12, 541:12, 542:15</p> <p><b>large</b> [4] - 550:13, 555:24, 576:19, 580:5</p> <p><b>last</b> [10] - 537:16, 539:18, 549:20, 552:6, 553:1, 554:21, 572:24, 574:5, 576:1, 577:14</p> <p><b>Lastly</b> [1] - 580:18</p> <p><b>late</b> [1] - 543:23</p> <p><b>Law</b> [3] - 529:13, 530:3, 559:13</p> <p><b>law's</b> [1] - 573:16</p> <p><b>layers</b> [1] - 545:24</p> <p><b>leaning</b> [2] - 548:4, 548:16</p> <p><b>learn</b> [1] - 566:7</p> <p><b>least</b> [6] - 551:1, 561:2, 563:9, 572:6, 574:10, 584:23</p> <p><b>leave</b> [2] - 540:23, 581:6</p> <p><b>leaves</b> [2] - 559:9, 560:9</p> <p><b>left</b> [1] - 540:18</p> <p><b>leg</b> [1] - 549:23</p> <p><b>legally</b> [2] - 546:13, 582:19</p> <p><b>legislative</b> [2] - 558:9, 565:13</p> <p><b>Legislator</b> [2] - 544:5, 565:11</p> <p><b>LEGISLATOR</b> [3] - 565:12, 567:7, 571:22</p> <p><b>legislator</b> [1] - 565:13</p> <p><b>legislators</b> [1] - 578:10</p> <p><b>Legislators</b> [2] - 558:10, 564:23</p> <p><b>legislature</b> [1] - 583:18</p> <p><b>length</b> [1] - 538:4</p> <p><b>less</b> [3] - 534:19, 559:3</p> <p><b>letter</b> [4] - 538:8, 539:16, 540:4, 558:17</p> <p><b>letters</b> [2] - 566:24, 580:21</p> <p><b>level</b> [1] - 584:9</p> <p><b>Lewisborough</b> [1] - 576:22</p> <p><b>life</b> [3] - 535:19, 574:2, 574:8</p> <p><b>limb</b> [1] - 540:9</p>	<p><b>limbs</b> [5] - 540:19, 546:2, 546:9, 546:19, 548:17</p> <p><b>line</b> [10] - 542:19, 547:13, 547:15, 552:11, 558:19, 559:1, 562:10, 566:14, 583:3, 583:10</p> <p><b>lines</b> [7] - 534:7, 534:12, 534:17, 548:6, 548:17, 575:5</p> <p><b>list</b> [1] - 584:21</p> <p><b>listen</b> [2] - 530:8, 538:1</p> <p><b>listening</b> [1] - 584:12</p> <p><b>literally</b> [2] - 567:21, 579:12</p> <p><b>live</b> [4] - 537:6, 539:14, 569:24, 570:17</p> <p><b>lived</b> [1] - 542:18</p> <p><b>lives</b> [2] - 563:3, 563:12</p> <p><b>living</b> [1] - 553:15</p> <p><b>load</b> [2] - 539:21, 552:9</p> <p><b>local</b> [4] - 549:11, 556:4, 556:15, 573:6</p> <p><b>locates</b> [1] - 540:8</p> <p><b>location</b> [1] - 548:13</p> <p><b>lonely</b> [1] - 576:21</p> <p><b>look</b> [14] - 537:7, 542:11, 549:3, 555:8, 555:9, 560:14, 561:18, 568:12, 576:13, 576:20, 577:3, 577:9, 582:6</p> <p><b>looked</b> [2] - 550:4, 553:1</p> <p><b>looking</b> [5] - 539:4, 555:5, 567:15, 583:14, 585:2</p> <p><b>lose</b> [2] - 560:24, 561:8</p> <p><b>losing</b> [1] - 582:24</p> <p><b>loss</b> [1] - 585:5</p> <p><b>losses</b> [8] - 559:23, 560:1, 560:2, 560:3, 560:15, 564:8, 565:1</p> <p><b>lost</b> [4] - 539:21, 543:1, 544:14, 562:21</p> <p><b>Lou</b> [3] - 534:24, 535:21, 536:1</p> <p><b>loves</b> [1] - 584:10</p> <p><b>lung</b> [1] - 535:11</p>	<p style="text-align: center;"><b>M</b></p> <p><b>machine</b> [2] - 549:24, 563:2</p> <p><b>machinery</b> [1] - 550:1</p> <p><b>machines</b> [4] - 552:13, 552:15, 562:15, 562:16</p> <p><b>magnitude</b> [1] - 532:2</p> <p><b>mail</b> [4] - 533:12, 570:17, 570:18</p> <p><b>mails</b> [1] - 566:24</p> <p><b>Main</b> [1] - 542:15</p> <p><b>maintained</b> [2] - 543:3, 560:5</p> <p><b>maintaining</b> [5] - 546:1, 546:2, 558:24, 559:1, 575:16</p> <p><b>maintenance</b> [10] - 543:5, 547:11, 548:21, 550:3, 560:17, 561:13, 575:4, 575:17, 575:24, 576:3</p> <p><b>major</b> [4] - 534:20, 535:12, 547:22, 565:17</p> <p><b>man</b> [1] - 550:3</p> <p><b>managers</b> [1] - 570:15</p> <p><b>manpower</b> [1] - 577:7</p> <p><b>Manpower</b> [1] - 561:11</p> <p><b>manufacturing</b> [1] - 549:12</p> <p><b>map</b> [2] - 536:14, 548:2</p> <p><b>marked</b> [2] - 543:13, 544:3</p> <p><b>market</b> [1] - 582:11</p> <p><b>materials</b> [1] - 566:22</p> <p><b>matter</b> [2] - 542:12, 544:11</p> <p><b>matters</b> [1] - 530:18</p> <p><b>mayors</b> [1] - 571:17</p> <p><b>mean</b> [6] - 551:10, 553:15, 558:14, 562:17, 572:3, 579:1</p> <p><b>meaning</b> [1] - 559:6</p> <p><b>means</b> [1] - 554:9</p> <p><b>meant</b> [1] - 544:2</p> <p><b>measure</b> [3] - 571:21, 571:23</p> <p><b>measures</b> [3] - 559:18, 561:19, 563:11</p> <p><b>media</b> [2] - 570:24, 571:2</p> <p><b>medical</b> [3] - 535:12, 562:14, 574:3</p>
--	---	---	--	---

**meeting** [2] - 532:15, 566:19  
**member** [1] - 571:12  
**members** [4] - 531:5, 561:17, 568:7, 571:2  
**men** [1] - 541:4  
**mention** [1] - 534:4  
**meter** [2] - 541:17, 555:22  
**metering** [3] - 555:20, 557:17, 558:1  
**meters** [2] - 553:2, 553:7  
**might** [3] - 538:5, 546:6, 581:15  
**Might** [1] - 580:14  
**mile** [2] - 544:19, 573:16  
**miles** [2] - 542:3, 545:15  
**million** [1] - 544:18  
**mind** [1] - 580:6  
**minute** [2] - 533:14, 574:20  
**minutes** [4] - 533:14, 536:4, 550:19, 552:1  
**miss** [1] - 532:15  
**mistake** [1] - 566:8  
**mistakes** [1] - 566:9  
**mitigate** [1] - 556:7  
**modeled** [1] - 556:19  
**modern** [5] - 568:14, 568:15, 568:20, 571:9, 574:15  
**modernize** [1] - 572:2  
**moment** [2] - 550:8, 567:5  
**Monday** [1] - 533:13  
**money** [7] - 570:2, 570:3, 575:22, 578:1, 582:3, 582:16, 583:1  
**monitor** [2] - 559:15, 578:13  
**monopoly** [3] - 559:6, 568:2, 583:15  
**month** [1] - 556:18  
**months** [1] - 542:24  
**morning** [4] - 540:24, 543:23, 550:11, 573:7  
**Most** [1] - 539:13  
**most** [6] - 561:6, 565:14, 570:21, 570:22, 573:7, 581:5  
**mother** [2] - 539:5, 573:16  
**mother-in-law's** [1] - 573:16  
**Motion** [2] - 529:4,

530:21  
**move** [3] - 557:14, 568:13, 579:13  
**moved** [6] - 542:16, 542:22, 549:13, 549:16, 552:6, 573:15  
**moving** [1] - 557:8  
**MR** [8] - 532:12, 537:3, 538:7, 539:1, 539:8, 547:7, 548:2, 549:10  
**MRS** [1] - 539:12  
**MS** [10] - 544:7, 547:5, 553:23, 556:14, 557:15, 557:21, 558:5, 564:14, 565:5, 584:17  
**multiple** [4] - 545:8, 545:23, 548:5, 548:17  
**municipalities** [1] - 578:1  
**must** [2] - 540:20, 541:17  
**mutual** [1] - 577:12

## N

**name** [8] - 530:3, 532:12, 535:8, 539:13, 539:14, 549:10, 553:23, 584:18  
**near** [3] - 534:17, 534:18, 540:11  
**need** [3] - 556:24, 559:11, 562:18  
**needed** [1] - 574:2  
**needs** [1] - 580:16  
**neglected** [1] - 572:23  
**negligence** [3] - 560:7, 560:16, 583:2  
**negotiated** [1] - 564:19  
**neighbor** [1] - 581:10  
**neighborhood** [6] - 536:19, 569:23, 571:11, 573:10, 579:20, 580:2  
**neighborhoods** [2] - 533:5, 580:10  
**neighbors** [5] - 543:14, 543:19, 543:20, 545:17, 573:7  
**net** [3] - 555:20, 557:17, 558:1  
**Network** [1] - 529:5  
**never** [5] - 538:14, 543:8, 549:2,

552:18, 565:21  
**NEW** [1] - 529:1  
**new** [3] - 546:16, 547:14, 547:15  
**New** [13] - 529:5, 529:9, 530:4, 530:22, 535:22, 539:15, 554:11, 554:19, 555:14, 557:7, 567:13, 575:24, 578:9  
**News** [1] - 542:4  
**newspapers** [1] - 545:14  
**next** [6] - 539:10, 547:22, 556:18, 567:17, 572:1, 573:7  
**nic** [1] - 535:14  
**Nicola** [1] - 553:23  
**night** [2] - 541:5, 572:23  
**nobody** [1] - 534:6  
**noise** [1] - 578:19  
**normal** [2] - 569:10, 570:20  
**North** [1] - 556:19  
**north** [1] - 541:10  
**northeast** [3] - 554:22, 562:3, 574:24  
**notes** [1] - 572:18  
**nothing** [3] - 550:10, 571:3, 571:4  
**nowhere** [2] - 535:4, 577:23  
**Number** [1] - 564:15  
**number** [6] - 534:15, 542:16, 569:11, 576:3, 581:8, 581:9  
**numbers** [3] - 575:21, 576:19, 580:5  
**numerous** [1] - 533:8  
**nursing** [1] - 579:1  
**NYSEG** [1] - 559:7

## O

**O'Connell** [1] - 529:22  
**oak** [1] - 548:4  
**obligations** [1] - 559:2  
**obtained** [1] - 545:10  
**Obviously** [1] - 541:22  
**occur** [1] - 561:16  
**occurred** [1] - 560:16  
**October** [2] - 529:10, 553:3  
**OF** [1] - 529:1  
**offer** [1] - 537:5  
**offered** [1] - 537:9  
**office** [2] - 564:16, 570:22

**offices** [1] - 542:9  
**official** [3] - 530:15, 532:6, 577:22  
**officials** [1] - 568:17  
**often** [2] - 539:8, 561:6  
**Old** [2] - 547:21, 547:22  
**once** [1] - 534:13  
**one** [53] - 531:23, 532:20, 532:24, 533:17, 534:22, 534:24, 537:19, 538:12, 540:2, 540:3, 541:7, 542:17, 543:10, 543:12, 543:19, 543:20, 544:10, 544:12, 545:22, 547:19, 548:3, 548:8, 548:12, 548:18, 549:23, 550:1, 550:4, 550:5, 551:3, 555:4, 555:13, 563:24, 564:5, 564:15, 566:19, 567:4, 569:21, 570:15, 570:24, 573:8, 574:1, 574:21, 576:4, 576:21, 577:22, 580:3, 580:15, 581:8, 582:9, 583:11, 584:17  
**One** [7] - 530:20, 535:5, 537:3, 571:14, 573:24, 578:10, 578:23  
**ongoing** [1] - 571:21  
**Ontario** [1] - 556:14  
**open** [2] - 545:1, 545:3  
**opened** [1] - 549:14  
**opens** [1] - 558:17  
**operations** [1] - 531:21  
**opportunity** [4] - 544:8, 546:24, 549:7, 554:3  
**opposed** [1] - 544:21  
**opposite** [1] - 546:23  
**option** [1] - 537:13  
**order** [1] - 532:9  
**ordered** [1] - 556:14  
**orders** [1] - 569:3  
**organizations** [1] - 548:9  
**outage** [16] - 530:23, 532:2, 538:5,

539:18, 539:19, 540:7, 544:10, 545:2, 545:3, 545:7, 549:21, 550:13, 562:8, 566:3, 571:23, 579:17  
**Outages** [1] - 529:4  
**outages** [29] - 530:9, 531:3, 531:13, 531:16, 533:4, 534:6, 535:4, 537:18, 537:22, 539:18, 542:23, 545:8, 550:18, 554:4, 554:5, 554:8, 554:13, 554:20, 555:7, 559:21, 561:15, 561:20, 563:23, 565:9, 565:23, 565:24, 569:1, 576:2, 581:15  
**outrage** [1] - 566:3  
**outside** [1] - 550:4  
**overall** [1] - 575:18  
**overdue** [1] - 568:11  
**overtime** [2] - 561:24, 577:17  
**owe** [1] - 553:5  
**own** [9] - 545:4, 558:7, 565:22, 568:17, 569:13, 569:15, 579:6, 579:11, 580:17  
**owned** [1] - 542:17  
**owner** [1] - 549:12  
**owns** [1] - 549:12  
**oxygen** [2] - 535:1, 562:16

## P

**p.m** [7] - 529:10, 540:6, 540:17, 540:20, 540:23, 541:4, 541:18  
**page** [1] - 558:17  
**panels** [1] - 555:17  
**paper** [2] - 544:17, 584:21  
**paragraph** [2] - 539:24, 558:19  
**parents** [1] - 542:16  
**parking** [1] - 542:2  
**part** [6] - 532:6, 533:18, 557:22, 577:1, 578:14, 580:15  
**participating** [2] - 531:6, 557:10  
**particularly** [1] - 567:8

<p><b>partnership</b> [1] - 533:22</p> <p><b>parts</b> [4] - 541:15, 550:23, 558:3, 575:6</p> <p><b>passed</b> [2] - 545:6, 562:22</p> <p><b>past</b> [4] - 542:24, 562:21, 567:17, 572:3</p> <p><b>Pataki</b> [1] - 557:11</p> <p><b>patience</b> [2] - 551:5, 572:19</p> <p><b>patient</b> [1] - 550:14</p> <p><b>patients</b> [2] - 563:3, 579:13</p> <p><b>Patricia</b> [3] - 530:6, 541:12, 542:15</p> <p><b>patterns</b> [2] - 554:8, 576:8</p> <p><b>Paul</b> [2] - 532:11, 532:12</p> <p><b>pay</b> [5] - 545:3, 556:15, 561:23, 570:2, 577:17</p> <p><b>paying</b> [1] - 583:1</p> <p><b>penalized</b> [1] - 582:21</p> <p><b>penalties</b> [1] - 537:17</p> <p><b>pending</b> [1] - 530:20</p> <p><b>people</b> [78] - 532:19, 532:21, 532:22, 534:23, 535:14, 535:24, 536:11, 536:12, 536:15, 536:16, 536:23, 537:9, 537:12, 538:13, 538:15, 538:20, 539:6, 539:13, 542:5, 542:7, 543:6, 543:11, 545:9, 546:9, 547:2, 551:11, 551:13, 554:3, 558:23, 559:24, 560:1, 560:6, 560:9, 560:17, 561:12, 562:5, 562:9, 562:10, 562:14, 562:17, 563:10, 563:12, 563:22, 564:8, 564:10, 564:24, 565:6, 566:15, 566:16, 566:23, 571:4, 572:6, 572:8, 572:10, 573:3, 573:23, 576:19, 576:24, 578:3, 578:17, 579:5, 580:4, 580:5, 580:8,</p>	<p>580:22, 580:24, 581:19, 581:22, 582:2, 582:5, 582:17, 582:18, 583:1, 583:9, 583:13, 583:17, 584:14</p> <p><b>People</b> [3] - 536:20, 562:15, 584:9</p> <p><b>perceived</b> [1] - 538:19</p> <p><b>percent</b> [2] - 578:6, 578:9</p> <p><b>percentage</b> [1] - 581:7</p> <p><b>perform</b> [1] - 583:3</p> <p><b>performance</b> [5] - 530:22, 531:1, 566:6, 582:22, 583:10</p> <p><b>Perhaps</b> [2] - 534:16, 578:22</p> <p><b>perhaps</b> [5] - 537:9, 558:21, 559:2, 578:7, 582:16</p> <p><b>period</b> [2] - 573:23, 581:13</p> <p><b>periods</b> [1] - 537:18</p> <p><b>permanent</b> [1] - 543:9</p> <p><b>permanently</b> [1] - 540:18</p> <p><b>person</b> [6] - 535:11, 535:21, 538:7, 540:8, 551:13, 573:24</p> <p><b>person's</b> [3] - 545:22, 545:23, 569:19</p> <p><b>Personally</b> [1] - 544:9</p> <p><b>personally</b> [2] - 561:10, 569:17</p> <p><b>personnel</b> [3] - 567:12, 569:13, 569:15</p> <p><b>phase</b> [3] - 541:18, 549:23, 550:2</p> <p><b>phased</b> [1] - 534:12</p> <p><b>phases</b> [1] - 550:6</p> <p><b>phone</b> [7] - 535:7, 535:14, 543:18, 550:20, 551:13, 551:20, 552:24</p> <p><b>pick</b> [2] - 571:13, 581:16</p> <p><b>picture</b> [3] - 554:5, 555:9, 577:2</p> <p><b>pictures</b> [1] - 549:3</p> <p><b>piece</b> [1] - 575:20</p> <p><b>pieces</b> [1] - 552:10</p> <p><b>Place</b> [6] - 540:11, 541:15, 542:15, 542:16, 542:17, 542:22</p>	<p><b>place</b> [12] - 530:9, 531:13, 551:9, 554:5, 554:6, 554:7, 556:10, 556:21, 561:7, 574:15, 578:22, 583:8</p> <p><b>placed</b> [2] - 541:13, 554:15</p> <p><b>places</b> [2] - 540:10, 562:13</p> <p><b>placing</b> [1] - 560:18</p> <p><b>plainly</b> [1] - 550:5</p> <p><b>Plains</b> [3] - 539:14, 540:12, 549:1</p> <p><b>plan</b> [5] - 556:18, 573:4, 573:23, 577:9, 577:10</p> <p><b>planning</b> [2] - 554:9, 577:6</p> <p><b>plans</b> [1] - 567:16</p> <p><b>plants</b> [2] - 556:3, 556:6</p> <p><b>play</b> [2] - 551:11, 551:12</p> <p><b>pleased</b> [2] - 534:1, 567:24</p> <p><b>plug</b> [1] - 572:9</p> <p><b>plugged</b> [1] - 571:10</p> <p><b>pockets</b> [1] - 560:23</p> <p><b>point</b> [14] - 533:24, 536:24, 537:19, 538:3, 558:11, 561:9, 562:12, 564:1, 564:17, 574:19, 574:20, 574:21, 577:3, 582:9</p> <p><b>points</b> [2] - 532:19, 564:3</p> <p><b>pole</b> [6] - 540:10, 540:18, 541:13, 546:7, 546:8, 551:24</p> <p><b>poles</b> [5] - 545:24, 546:16, 546:17, 547:14, 550:4</p> <p><b>police</b> [8] - 568:21, 568:23, 569:11, 570:6, 571:10, 571:16, 578:24, 579:7</p> <p><b>Police</b> [2] - 572:5, 579:4</p> <p><b>policy</b> [6] - 560:14, 581:8, 581:9, 582:4, 582:7, 582:8</p> <p><b>poor</b> [1] - 560:5</p> <p><b>Port</b> [2] - 567:14, 577:23</p> <p><b>possibility</b> [1] - 552:21</p> <p><b>possible</b> [1] - 550:14</p>	<p><b>Post</b> [1] - 556:9</p> <p><b>post</b> [1] - 557:16</p> <p><b>posted</b> [2] - 542:4, 564:17</p> <p><b>potential</b> [1] - 562:7</p> <p><b>Power</b> [2] - 529:4, 552:3</p> <p><b>power</b> [86] - 531:17, 534:7, 534:11, 534:15, 534:16, 534:17, 535:17, 536:2, 536:11, 536:12, 536:13, 536:16, 538:8, 539:23, 540:1, 540:6, 540:16, 540:22, 541:2, 541:3, 541:6, 541:8, 541:18, 541:22, 542:8, 542:10, 542:21, 544:14, 547:13, 547:15, 548:5, 548:6, 548:17, 549:21, 549:23, 550:2, 550:13, 550:18, 551:2, 551:6, 551:7, 551:14, 551:16, 551:18, 551:21, 552:8, 552:11, 552:12, 552:18, 553:16, 555:16, 556:3, 556:6, 559:3, 559:8, 560:24, 561:8, 562:17, 562:21, 563:5, 563:13, 563:20, 565:7, 565:18, 565:20, 567:17, 568:3, 568:5, 570:12, 570:20, 571:23, 572:23, 573:13, 573:17, 573:22, 574:4, 575:5, 575:10, 575:14, 575:15, 579:8, 581:22, 584:13, 584:14</p> <p><b>powerless</b> [1] - 567:22</p> <p><b>powerlines</b> [1] - 534:3</p> <p><b>practices</b> [1] - 531:22</p> <p><b>precipitation</b> [1] - 555:2</p> <p><b>predicted</b> [1] - 577:15</p> <p><b>prepared</b> [1] - 578:4</p> <p><b>PRESIDING</b> [1] - 529:11</p> <p><b>pressure</b> [1] - 557:3</p> <p><b>pretty</b> [2] - 553:18,</p>	<p>573:11</p> <p><b>prevent</b> [2] - 561:1, 585:5</p> <p><b>preventative</b> [2] - 547:11, 548:21</p> <p><b>preventive</b> [1] - 561:6</p> <p><b>previous</b> [1] - 541:5</p> <p><b>previously</b> [1] - 558:23</p> <p><b>priorities</b> [3] - 558:22, 576:5, 578:22</p> <p><b>prioritized</b> [1] - 578:24</p> <p><b>priority</b> [2] - 534:18, 535:18</p> <p><b>private</b> [2] - 558:13, 582:10</p> <p><b>proactive</b> [2] - 533:15, 537:12</p> <p><b>problem</b> [22] - 533:18, 533:19, 535:21, 540:8, 540:15, 541:3, 543:24, 544:9, 547:4, 550:7, 550:15, 550:16, 559:5, 562:1, 570:4, 572:15, 580:8, 580:11, 580:12, 580:14, 580:15</p> <p><b>problems</b> [15] - 531:17, 533:17, 533:23, 534:20, 535:12, 535:20, 542:14, 543:4, 544:8, 563:21, 563:23, 564:9, 580:9, 580:23, 585:2</p> <p><b>procedures</b> [1] - 531:22</p> <p><b>Proceeding</b> [2] - 529:4, 530:21</p> <p><b>proceeding</b> [1] - 531:20</p> <p><b>proceedings</b> [4] - 530:16, 531:7, 531:11, 532:5</p> <p><b>produce</b> [1] - 550:23</p> <p><b>produced</b> [1] - 556:6</p> <p><b>producing</b> [2] - 555:23, 556:5</p> <p><b>production</b> [3] - 554:11, 555:16, 556:23</p> <p><b>profil</b> [2] - 558:15, 583:7</p> <p><b>program</b> [2] - 576:1, 577:4</p> <p><b>progress</b> [1] - 569:1</p> <p><b>project</b> [1] - 555:3</p> <p><b>projects</b> [2] - 556:17, 556:21</p>
---	---	---	---	--

<p><b>prolonged</b> [1] - 537:22</p> <p><b>prompt</b> [1] - 542:11</p> <p><b>prone</b> [1] - 576:17</p> <p><b>proper</b> [1] - 543:5</p> <p><b>properly</b> [3] - 560:5, 577:6, 580:7</p> <p><b>properties</b> [1] - 533:3</p> <p><b>property</b> [2] - 545:22, 545:23</p> <p><b>proposal</b> [1] - 570:16</p> <p><b>protection</b> [1] - 559:11</p> <p><b>provide</b> [6] - 542:14, 556:11, 559:16, 568:3, 568:5, 579:7</p> <p><b>provided</b> [2] - 559:17, 563:20</p> <p><b>providing</b> [3] - 559:3, 563:18, 566:20</p> <p><b>province</b> [1] - 556:14</p> <p><b>PSC</b> [7] - 530:20, 539:5, 555:19, 557:16, 568:10, 578:11, 578:14</p> <p><b>PSC's</b> [1] - 554:9</p> <p><b>PUBLIC</b> [1] - 529:1</p> <p><b>Public</b> [20] - 529:7, 530:4, 530:15, 531:6, 533:1, 538:18, 559:12, 559:13, 560:12, 562:6, 564:1, 567:16, 567:20, 568:3, 574:13, 576:8, 583:16, 583:19, 585:12</p> <p><b>public</b> [26] - 530:2, 530:7, 530:15, 532:18, 536:13, 536:14, 558:20, 559:4, 559:15, 559:16, 563:18, 564:12, 564:22, 565:17, 567:11, 568:17, 568:22, 568:24, 570:7, 577:22, 579:8, 582:13, 584:1, 584:5</p> <p><b>pull</b> [1] - 574:5</p> <p><b>pun</b> [1] - 546:15</p> <p><b>purchase</b> [1] - 537:4</p> <p><b>pursue</b> [1] - 538:16</p> <p><b>pursuit</b> [1] - 558:15</p> <p><b>pushing</b> [1] - 548:13</p> <p><b>put</b> [16] - 530:14, 534:7, 537:10, 541:17, 544:19, 546:16, 547:13, 551:15, 555:12,</p>	<p>561:2, 563:3, 563:12, 576:15, 580:2, 580:4, 580:10</p> <p><b>putting</b> [4] - 534:2, 537:7, 560:21, 567:1</p> <p style="text-align: center;"><b>Q</b></p> <p><b>Queens</b> [4] - 549:13, 564:20, 578:15, 581:4</p> <p><b>questions</b> [2] - 531:10, 544:9</p> <p><b>quick</b> [1] - 579:17</p> <p><b>quickly</b> [2] - 545:9, 562:18</p> <p><b>quite</b> [2] - 567:21, 575:23</p> <p style="text-align: center;"><b>R</b></p> <p><b>R.P.R</b> [1] - 529:22</p> <p><b>radio</b> [1] - 584:22</p> <p><b>rate</b> [3] - 582:15, 582:19, 582:21</p> <p><b>ratepayer</b> [1] - 557:24</p> <p><b>ratepayers</b> [1] - 583:4</p> <p><b>ratepaying</b> [1] - 557:24</p> <p><b>rates</b> [3] - 537:5, 537:10, 582:16</p> <p><b>Rather</b> [1] - 565:4</p> <p><b>rather</b> [1] - 571:12</p> <p><b>ratio</b> [1] - 534:9</p> <p><b>reaching</b> [2] - 532:17, 546:22</p> <p><b>reaction</b> [1] - 535:9</p> <p><b>read</b> [6] - 539:16, 544:17, 545:13, 553:7, 557:21, 558:16</p> <p><b>reading</b> [1] - 553:2</p> <p><b>ready</b> [1] - 570:9</p> <p><b>real</b> [3] - 577:20, 580:11, 584:1</p> <p><b>realistic</b> [1] - 577:4</p> <p><b>realize</b> [2] - 541:17, 545:7</p> <p><b>Realized</b> [1] - 550:13</p> <p><b>really</b> [16] - 532:17, 534:3, 534:5, 535:14, 535:17, 537:8, 537:12, 538:1, 538:9, 549:20, 553:8, 555:13, 559:8, 561:11, 563:18, 563:24</p> <p><b>rearrange</b> [1] - 582:21</p> <p><b>reason</b> [5] - 572:5, 579:17, 580:12,</p>	<p>584:10, 584:11</p> <p><b>reasons</b> [1] - 543:12</p> <p><b>receive</b> [1] - 568:21</p> <p><b>received</b> [1] - 566:23</p> <p><b>recently</b> [2] - 558:16, 578:10</p> <p><b>reconsider</b> [1] - 560:15</p> <p><b>record</b> [10] - 530:15, 531:8, 532:6, 547:3, 547:10, 547:23, 548:22, 558:7, 563:17, 567:6</p> <p><b>reduce</b> [4] - 555:10, 555:11, 557:1, 557:3</p> <p><b>reduced</b> [2] - 537:5, 537:10</p> <p><b>reducing</b> [1] - 556:5</p> <p><b>refer</b> [1] - 562:12</p> <p><b>referendum</b> [1] - 583:23</p> <p><b>reflect</b> [1] - 547:23</p> <p><b>reflects</b> [1] - 583:10</p> <p><b>refrigerator</b> [2] - 573:15, 585:1</p> <p><b>refund</b> [1] - 537:21</p> <p><b>refunds</b> [3] - 537:23, 538:10, 538:14</p> <p><b>regarding</b> [1] - 554:10</p> <p><b>regional</b> [1] - 557:9</p> <p><b>regular</b> [3] - 547:14, 547:16, 548:11</p> <p><b>regulate</b> [1] - 568:4</p> <p><b>regulation</b> [2] - 554:10, 555:21</p> <p><b>regulatory</b> [2] - 568:10, 568:13</p> <p><b>reimbursed</b> [3] - 538:12, 565:1, 581:5</p> <p><b>reimbursement</b> [5] - 560:14, 580:18, 580:21, 580:23, 582:4</p> <p><b>reiterate</b> [1] - 578:6</p> <p><b>reject</b> [1] - 560:8</p> <p><b>rejected</b> [5] - 564:11, 580:21, 581:6, 582:6, 582:18</p> <p><b>rejection</b> [1] - 538:8</p> <p><b>relate</b> [1] - 531:22</p> <p><b>related</b> [5] - 537:20, 552:18, 560:3, 564:8, 564:9</p> <p><b>relatives</b> [2] - 570:22, 584:18</p> <p><b>relax</b> [1] - 555:20</p> <p><b>released</b> [1] - 554:21</p> <p><b>reliable</b> [4] - 559:3, 563:19, 568:3, 568:5</p> <p><b>relied</b> [1] - 564:10</p>	<p><b>rely</b> [1] - 578:20</p> <p><b>relying</b> [1] - 577:12</p> <p><b>remain</b> [1] - 562:17</p> <p><b>remained</b> [1] - 540:2</p> <p><b>remarks</b> [2] - 530:13, 530:14</p> <p><b>remediate</b> [1] - 564:3</p> <p><b>remember</b> [1] - 562:22</p> <p><b>removes</b> [1] - 540:9</p> <p><b>renewable</b> [1] - 556:17</p> <p><b>reopen</b> [1] - 544:2</p> <p><b>repair</b> [4] - 540:8, 545:9, 548:8, 550:15</p> <p><b>repairing</b> [1] - 561:3</p> <p><b>repairs</b> [2] - 543:8, 552:17</p> <p><b>repeat</b> [3] - 533:4, 567:17, 579:2</p> <p><b>repeating</b> [1] - 572:20</p> <p><b>report</b> [11] - 540:7, 540:15, 541:6, 543:13, 546:9, 546:13, 554:23, 558:16, 563:23, 571:11</p> <p><b>reported</b> [4] - 542:3, 542:8, 542:9, 566:1</p> <p><b>Reported</b> [1] - 529:22</p> <p><b>reporter</b> [2] - 530:11, 549:1</p> <p><b>reporting</b> [1] - 532:3</p> <p><b>reports</b> [1] - 568:21</p> <p><b>representatives</b> [4] - 531:9, 547:2, 549:6, 571:18</p> <p><b>represented</b> [1] - 567:6</p> <p><b>representing</b> [1] - 565:13</p> <p><b>requests</b> [1] - 581:6</p> <p><b>require</b> [1] - 576:9</p> <p><b>required</b> [2] - 532:1, 580:1</p> <p><b>requiring</b> [1] - 571:12</p> <p><b>reruns</b> [1] - 565:23</p> <p><b>resident</b> [3] - 549:11, 558:8, 561:11</p> <p><b>residential</b> [1] - 555:21</p> <p><b>residents</b> [7] - 558:12, 559:7, 561:1, 566:3, 567:10, 581:3, 581:4</p> <p><b>respectfully</b> [2] - 575:12, 576:8</p> <p><b>respond</b> [3] - 561:15, 562:18, 569:4</p> <p><b>responded</b> [1] - 562:23</p> <p><b>response</b> [17] -</p>	<p>530:23, 531:12, 531:14, 532:4, 555:6, 555:12, 557:17, 557:22, 563:19, 563:24, 565:19, 568:11, 577:4, 577:9, 577:10, 577:20, 578:23</p> <p><b>responses</b> [3] - 531:16, 557:19, 569:6</p> <p><b>responsible</b> [1] - 546:1</p> <p><b>rest</b> [2] - 540:3, 550:17</p> <p><b>resting</b> [1] - 546:10</p> <p><b>restoration</b> [2] - 531:17, 565:19</p> <p><b>restore</b> [5] - 540:22, 541:6, 541:14, 542:8, 563:5</p> <p><b>restored</b> [8] - 539:23, 541:2, 541:15, 541:19, 541:22, 542:11, 551:3, 551:22</p> <p><b>restoring</b> [1] - 569:2</p> <p><b>resuggest</b> [1] - 582:14</p> <p><b>result</b> [4] - 538:18, 554:16, 565:2, 571:15</p> <p><b>resulted</b> [1] - 560:4</p> <p><b>resulting</b> [1] - 554:15</p> <p><b>retired</b> [3] - 535:23, 536:1, 539:15</p> <p><b>returned</b> [1] - 541:5</p> <p><b>reveal</b> [1] - 554:8</p> <p><b>reviewing</b> [1] - 532:3</p> <p><b>Ria</b> [1] - 542:18</p> <p><b>ride</b> [1] - 541:11</p> <p><b>Rise</b> [3] - 539:10, 539:14, 545:14</p> <p><b>risk</b> [1] - 572:17</p> <p><b>river</b> [1] - 565:15</p> <p><b>Road</b> [9] - 533:6, 540:11, 541:10, 541:12, 541:16, 542:15, 542:21, 547:21, 547:22</p> <p><b>road</b> [2] - 562:20, 576:22</p> <p><b>Rochelle</b> [1] - 567:13</p> <p><b>role</b> [2] - 568:1, 568:3</p> <p><b>rolled</b> [1] - 541:13</p> <p><b>rolls</b> [1] - 540:9</p> <p><b>room</b> [2] - 566:16, 574:6</p> <p><b>rumor</b> [1] - 561:21</p> <p><b>rumors</b> [2] - 577:14, 577:16</p>
---	---	--	--	---

<p>run [5] - 550:2, 552:23, 555:22, 579:7, 584:6</p> <p>running [2] - 552:9, 552:10</p> <p>runs [1] - 550:22</p>	<p>sent [1] - 539:16</p> <p>separate [1] - 578:11</p> <p>September [13] - 530:10, 531:2, 531:14, 533:9, 539:17, 540:1, 540:13, 540:17, 541:20, 549:21, 554:15, 559:22, 561:20</p> <p>series [1] - 565:22</p> <p>seriously [1] - 576:10</p> <p>serve [2] - 559:4, 565:15</p> <p>served [1] - 559:7</p> <p>service [14] - 531:12, 535:10, 537:13, 537:15, 550:21, 551:4, 553:12, 558:20, 559:16, 559:17, 562:4, 563:18, 563:19, 569:2</p> <p>SERVICE [1] - 529:1</p> <p>Service [18] - 530:4, 530:16, 531:6, 533:1, 538:18, 559:12, 559:13, 559:14, 560:12, 562:6, 564:1, 567:16, 567:20, 568:3, 574:14, 576:9, 583:16, 583:19</p> <p>serviced [4] - 543:3, 543:15, 549:18, 549:19</p> <p>services [3] - 559:9, 567:11, 568:24</p> <p>set [7] - 571:15, 571:23, 574:11, 578:11, 578:21, 580:7, 582:20</p> <p>seven [6] - 532:23, 533:8, 536:17, 557:10, 558:19, 562:11</p> <p>several [6] - 531:5, 544:14, 550:21, 563:13, 579:10, 584:18</p> <p>severe [6] - 559:22, 565:7, 576:7, 576:17, 577:6, 577:7</p> <p>severity [1] - 555:2</p> <p>shame [1] - 551:19</p> <p>Shareholders [1] - 558:18</p> <p>shareholders [3] - 559:2, 583:4, 583:7</p>	<p>sharing [2] - 557:5, 585:10</p> <p>shed [1] - 552:8</p> <p>shifts [2] - 550:22, 552:18</p> <p>shooting [1] - 575:6</p> <p>shop [5] - 549:22, 549:24, 550:4, 552:9, 573:6</p> <p>shoulder [1] - 576:14</p> <p>show [3] - 536:6, 575:21, 583:7</p> <p>showed [3] - 549:2, 551:23</p> <p>shown [1] - 558:2</p> <p>shows [1] - 543:15</p> <p>side [4] - 540:11, 541:10, 546:23, 548:14</p> <p>sides [1] - 541:11</p> <p>sign [1] - 554:1</p> <p>signed [1] - 532:9</p> <p>significant [2] - 565:18, 575:21</p> <p>similar [2] - 556:19, 564:23</p> <p>simple [2] - 579:21, 580:1</p> <p>single [1] - 536:7</p> <p>sister [1] - 538:11</p> <p>sit [2] - 570:2, 574:7</p> <p>sites [1] - 556:4</p> <p>sitting [7] - 567:22, 569:15, 569:18, 570:8, 577:24</p> <p>situation [3] - 534:13, 551:9, 564:4</p> <p>situations [3] - 531:23, 563:12, 582:22</p> <p>six [8] - 532:22, 533:8, 534:7, 537:22, 558:19, 562:10, 575:10, 581:16</p> <p>skimping [1] - 577:7</p> <p>slows [1] - 562:4</p> <p>small [8] - 556:16, 556:20, 556:22, 558:19, 571:19, 575:20, 580:4, 580:8</p> <p>snowed [1] - 581:24</p> <p>solar [3] - 555:17, 556:1, 556:16</p> <p>someone [7] - 541:23, 545:6, 562:18, 562:22, 563:2, 563:4, 567:20</p> <p>sometime [1] - 540:3</p> <p>sometimes [1] - 570:11</p>	<p>somewhat [1] - 569:9</p> <p>somewhere [7] - 535:15, 538:4, 547:11, 558:18, 570:22, 570:23, 580:9</p> <p>sooner [1] - 567:19</p> <p>sorry [3] - 555:11, 558:14, 569:14</p> <p>sort [5] - 536:6, 546:12, 559:19, 562:8, 565:7</p> <p>sounded [1] - 565:23</p> <p>south [1] - 540:11</p> <p>southeast [1] - 548:3</p> <p>southern [1] - 576:24</p> <p>southwest [1] - 548:15</p> <p>Spano [1] - 564:18</p> <p>spawned [1] - 557:10</p> <p>speaker [2] - 539:10, 547:24</p> <p>speakers [5] - 532:9, 553:22, 560:19, 585:8</p> <p>speaking [1] - 558:7</p> <p>spent [1] - 552:16</p> <p>spoilage [1] - 569:5</p> <p>spoiled [1] - 581:17</p> <p>spoken [2] - 538:7, 564:18</p> <p>spot [1] - 548:8</p> <p>Spring [1] - 575:1</p> <p>staff [12] - 530:24, 531:6, 532:1, 532:3, 561:14, 561:17, 561:24, 563:4, 567:1, 568:6, 578:11, 581:7</p> <p>stake [1] - 551:12</p> <p>stand [2] - 545:18, 545:22</p> <p>standard [1] - 581:16</p> <p>standing [1] - 552:14</p> <p>standpoint [1] - 553:12</p> <p>start [2] - 569:24, 582:24</p> <p>state [4] - 558:6, 559:10, 560:10, 583:18</p> <p>STATE [1] - 529:1</p> <p>State [4] - 530:4, 554:11, 554:19, 555:14</p> <p>Statement [2] - 529:7, 546:13</p> <p>statement [11] - 530:3, 530:7, 530:15, 559:24, 564:6,</p>	<p>564:11, 564:12, 564:16, 564:24, 584:17, 585:12</p> <p>statements [3] - 530:12, 531:5, 532:10</p> <p>States [1] - 553:16</p> <p>states [1] - 557:10</p> <p>stationed [1] - 569:20</p> <p>stay [1] - 566:13</p> <p>stead [1] - 568:6</p> <p>STEIN [23] - 529:12, 530:1, 537:2, 538:2, 538:15, 539:10, 544:4, 547:1, 547:6, 547:23, 549:5, 553:19, 556:13, 557:5, 557:20, 558:4, 564:5, 565:4, 565:10, 567:4, 571:20, 584:16, 585:7</p> <p>Stein [2] - 530:4, 558:5</p> <p>step [5] - 534:4, 571:19, 571:24, 572:1</p> <p>steps [3] - 532:24, 555:9, 556:7</p> <p>Stern [2] - 539:11, 539:14</p> <p>STERN [1] - 539:12</p> <p>still [8] - 535:6, 535:16, 540:16, 541:8, 541:17, 551:6, 551:7, 568:10</p> <p>Still [1] - 535:9</p> <p>stock [2] - 581:22, 581:24</p> <p>Stock [1] - 584:23</p> <p>stock [2] - 540:20, 552:13</p> <p>stopped [1] - 573:8</p> <p>stops [1] - 539:6</p> <p>stores [1] - 585:3</p> <p>stories [1] - 575:8</p> <p>storm [18] - 533:10, 533:16, 537:19, 537:20, 538:13, 540:19, 560:3, 562:1, 562:21, 564:8, 565:4, 565:5, 574:23, 577:15, 577:21, 581:12, 581:23, 584:24</p> <p>Storm [1] - 531:13</p> <p>storms [7] - 554:14, 554:16, 574:22, 574:23, 574:24, 575:1, 575:4</p>
<b>S</b>				
<p>safety [3] - 567:11, 568:17, 579:8</p> <p>salaries [1] - 551:11</p> <p>sales [1] - 573:2</p> <p>Sam's [1] - 581:20</p> <p>satisfied [1] - 544:13</p> <p>Saturday [1] - 572:23</p> <p>saw [3] - 550:4, 577:15, 577:19</p> <p>scale [2] - 556:22, 566:9</p> <p>Scarsdale [1] - 533:6</p> <p>schemes [1] - 556:19</p> <p>school [3] - 534:14, 539:15, 545:2</p> <p>schools [4] - 534:16, 534:17, 544:24</p> <p>scientific [1] - 554:22</p> <p>Scientists [1] - 554:21</p> <p>scour [1] - 562:2</p> <p>script [1] - 557:16</p> <p>second [7] - 530:23, 531:24, 539:21, 545:22, 574:19, 574:21, 578:8</p> <p>section [2] - 533:7, 578:11</p> <p>see [16] - 530:11, 533:3, 536:9, 536:17, 536:20, 536:21, 536:22, 537:19, 538:23, 541:12, 541:16, 550:5, 555:3, 555:13, 572:17, 574:11</p> <p>seeing [1] - 554:17</p> <p>Seeing [1] - 585:8</p> <p>seem [1] - 582:2</p> <p>sell [1] - 585:3</p> <p>semi [1] - 539:15</p> <p>semi-retired [1] - 539:15</p> <p>send [5] - 550:10, 567:2, 570:1, 570:2, 572:14</p> <p>senior [2] - 544:22, 551:16</p> <p>sense [5] - 531:18, 557:23, 557:24, 560:24, 561:6</p>	<p>sent [1] - 539:16</p> <p>separate [1] - 578:11</p> <p>September [13] - 530:10, 531:2, 531:14, 533:9, 539:17, 540:1, 540:13, 540:17, 541:20, 549:21, 554:15, 559:22, 561:20</p> <p>series [1] - 565:22</p> <p>seriously [1] - 576:10</p> <p>serve [2] - 559:4, 565:15</p> <p>served [1] - 559:7</p> <p>service [14] - 531:12, 535:10, 537:13, 537:15, 550:21, 551:4, 553:12, 558:20, 559:16, 559:17, 562:4, 563:18, 563:19, 569:2</p> <p>SERVICE [1] - 529:1</p> <p>Service [18] - 530:4, 530:16, 531:6, 533:1, 538:18, 559:12, 559:13, 559:14, 560:12, 562:6, 564:1, 567:16, 567:20, 568:3, 574:14, 576:9, 583:16, 583:19</p> <p>serviced [4] - 543:3, 543:15, 549:18, 549:19</p> <p>services [3] - 559:9, 567:11, 568:24</p> <p>set [7] - 571:15, 571:23, 574:11, 578:11, 578:21, 580:7, 582:20</p> <p>seven [6] - 532:23, 533:8, 536:17, 557:10, 558:19, 562:11</p> <p>several [6] - 531:5, 544:14, 550:21, 563:13, 579:10, 584:18</p> <p>severe [6] - 559:22, 565:7, 576:7, 576:17, 577:6, 577:7</p> <p>severity [1] - 555:2</p> <p>shame [1] - 551:19</p> <p>Shareholders [1] - 558:18</p> <p>shareholders [3] - 559:2, 583:4, 583:7</p>	<p>sharing [2] - 557:5, 585:10</p> <p>shed [1] - 552:8</p> <p>shifts [2] - 550:22, 552:18</p> <p>shooting [1] - 575:6</p> <p>shop [5] - 549:22, 549:24, 550:4, 552:9, 573:6</p> <p>shoulder [1] - 576:14</p> <p>show [3] - 536:6, 575:21, 583:7</p> <p>showed [3] - 549:2, 551:23</p> <p>shown [1] - 558:2</p> <p>shows [1] - 543:15</p> <p>side [4] - 540:11, 541:10, 546:23, 548:14</p> <p>sides [1] - 541:11</p> <p>sign [1] - 554:1</p> <p>signed [1] - 532:9</p> <p>significant [2] - 565:18, 575:21</p> <p>similar [2] - 556:19, 564:23</p> <p>simple [2] - 579:21, 580:1</p> <p>single [1] - 536:7</p> <p>sister [1] - 538:11</p> <p>sit [2] - 570:2, 574:7</p> <p>sites [1] - 556:4</p> <p>sitting [7] - 567:22, 569:15, 569:18, 570:8, 577:24</p> <p>situation [3] - 534:13, 551:9, 564:4</p> <p>situations [3] - 531:23, 563:12, 582:22</p> <p>six [8] - 532:22, 533:8, 534:7, 537:22, 558:19, 562:10, 575:10, 581:16</p> <p>skimping [1] - 577:7</p> <p>slows [1] - 562:4</p> <p>small [8] - 556:16, 556:20, 556:22, 558:19, 571:19, 575:20, 580:4, 580:8</p> <p>snowed [1] - 581:24</p> <p>solar [3] - 555:17, 556:1, 556:16</p> <p>someone [7] - 541:23, 545:6, 562:18, 562:22, 563:2, 563:4, 567:20</p> <p>sometime [1] - 540:3</p> <p>sometimes [1] - 570:11</p>	<p>somewhat [1] - 569:9</p> <p>somewhere [7] - 535:15, 538:4, 547:11, 558:18, 570:22, 570:23, 580:9</p> <p>sooner [1] - 567:19</p> <p>sorry [3] - 555:11, 558:14, 569:14</p> <p>sort [5] - 536:6, 546:12, 559:19, 562:8, 565:7</p> <p>sounded [1] - 565:23</p> <p>south [1] - 540:11</p> <p>southeast [1] - 548:3</p> <p>southern [1] - 576:24</p> <p>southwest [1] - 548:15</p> <p>Spano [1] - 564:18</p> <p>spawned [1] - 557:10</p> <p>speaker [2] - 539:10, 547:24</p> <p>speakers [5] - 532:9, 553:22, 560:19, 585:8</p> <p>speaking [1] - 558:7</p> <p>spent [1] - 552:16</p> <p>spoilage [1] - 569:5</p> <p>spoiled [1] - 581:17</p> <p>spoken [2] - 538:7, 564:18</p> <p>spot [1] - 548:8</p> <p>Spring [1] - 575:1</p> <p>staff [12] - 530:24, 531:6, 532:1, 532:3, 561:14, 561:17, 561:24, 563:4, 567:1, 568:6, 578:11, 581:7</p> <p>stake [1] - 551:12</p> <p>stand [2] - 545:18, 545:22</p> <p>standard [1] - 581:16</p> <p>standing [1] - 552:14</p> <p>standpoint [1] - 553:12</p> <p>start [2] - 569:24, 582:24</p> <p>state [4] - 558:6, 559:10, 560:10, 583:18</p> <p>STATE [1] - 529:1</p> <p>State [4] - 530:4, 554:11, 554:19, 555:14</p> <p>Statement [2] - 529:7, 546:13</p> <p>statement [11] - 530:3, 530:7, 530:15, 559:24, 564:6,</p>	<p>564:11, 564:12, 564:16, 564:24, 584:17, 585:12</p> <p>statements [3] - 530:12, 531:5, 532:10</p> <p>States [1] - 553:16</p> <p>states [1] - 557:10</p> <p>stationed [1] - 569:20</p> <p>stay [1] - 566:13</p> <p>stead [1] - 568:6</p> <p>STEIN [23] - 529:12, 530:1, 537:2, 538:2, 538:15, 539:10, 544:4, 547:1, 547:6, 547:23, 549:5, 553:19, 556:13, 557:5, 557:20, 558:4, 564:5, 565:4, 565:10, 567:4, 571:20, 584:16, 585:7</p> <p>Stein [2] - 530:4, 558:5</p> <p>step [5] - 534:4, 571:19, 571:24, 572:1</p> <p>steps [3] - 532:24, 555:9, 556:7</p> <p>Stern [2] - 539:11, 539:14</p> <p>STERN [1] - 539:12</p> <p>still [8] - 535:6, 535:16, 540:16, 541:8, 541:17, 551:6, 551:7, 568:10</p> <p>Still [1] - 535:9</p> <p>stock [2] - 581:22, 581:24</p> <p>Stock [1] - 584:23</p> <p>stock [2] - 540:20, 552:13</p> <p>stopped [1] - 573:8</p> <p>stops [1] - 539:6</p> <p>stores [1] - 585:3</p> <p>stories [1] - 575:8</p> <p>storm [18] - 533:10, 533:16, 537:19, 537:20, 538:13, 540:19, 560:3, 562:1, 562:21, 564:8, 565:4, 565:5, 574:23, 577:15, 577:21, 581:12, 581:23, 584:24</p> <p>Storm [1] - 531:13</p> <p>storms [7] - 554:14, 554:16, 574:22, 574:23, 574:24, 575:1, 575:4</p>

<p><b>story</b> [6] - 534:8, 572:16, 573:24, 579:16</p> <p><b>street</b> [11] - 533:17, 535:6, 543:21, 546:21, 546:22, 547:22, 548:15, 550:6, 569:14, 569:15, 574:16</p> <p><b>streets</b> [6] - 533:11, 533:15, 533:18, 534:19, 536:18, 542:21</p> <p><b>strength</b> [1] - 555:11</p> <p><b>stressing</b> [1] - 578:5</p> <p><b>strongly</b> [1] - 534:5</p> <p><b>structure</b> [2] - 582:20, 582:21</p> <p><b>stuck</b> [1] - 581:23</p> <p><b>study</b> [3] - 534:2, 576:12, 576:14</p> <p><b>stuff</b> [1] - 573:14</p> <p><b>submitted</b> [1] - 557:16</p> <p><b>submitting</b> [2] - 540:5, 542:7</p> <p><b>subsidize</b> [1] - 544:23</p> <p><b>substantial</b> [1] - 559:23</p> <p><b>suggest</b> [6] - 547:1, 549:5, 568:11, 575:12, 576:8, 576:21</p> <p><b>suggested</b> [2] - 578:10, 582:14</p> <p><b>suggesting</b> [2] - 571:8, 576:11</p> <p><b>suggestion</b> [2] - 545:5, 578:13</p> <p><b>suggests</b> [2] - 554:23, 576:3</p> <p><b>summary</b> [1] - 566:21</p> <p><b>summer</b> [7] - 535:3, 552:7, 554:14, 554:24, 565:22, 565:23, 575:1</p> <p><b>Supervisor</b> [4] - 532:13, 539:3, 560:18, 562:13</p> <p><b>supervisor</b> [3] - 539:5, 541:10, 541:16</p> <p><b>supervisor's</b> [1] - 539:6</p> <p><b>supervisors</b> [1] - 571:17</p> <p><b>supplies</b> [1] - 577:7</p> <p><b>support</b> [2] - 535:19, 574:2</p> <p><b>suppose</b> [1] - 569:22</p> <p><b>supposed</b> [3] - 546:14, 563:8, 563:9</p>	<p><b>surge</b> [1] - 579:24</p> <p><b>survive</b> [1] - 544:16</p> <p><b>sustain</b> [1] - 559:23</p> <p><b>sustained</b> [1] - 565:1</p> <p><b>switch</b> [4] - 552:11, 579:19, 579:24, 580:6</p> <p><b>system</b> [21] - 543:18, 552:15, 568:20, 570:14, 570:24, 571:10, 572:9, 574:11, 574:15, 575:2, 575:20, 575:24, 576:11, 578:23, 582:11, 583:5, 583:19, 584:6</p> <p><b>systems</b> [3] - 555:21, 556:1, 580:3</p> <p><b>systemwide</b> [1] - 531:21</p>	<p>552:17</p> <p><b>thousands</b> [1] - 548:7</p> <p><b>threatening</b> [1] - 548:19</p> <p><b>three</b> [14] - 532:22, 535:9, 538:11, 548:9, 549:23, 550:6, 562:10, 566:19, 568:12, 568:14, 573:5, 574:23, 581:24</p> <p><b>throughout</b> [2] - 540:13, 543:11</p> <p><b>throw</b> [1] - 579:19</p> <p><b>tie</b> [1] - 583:9</p> <p><b>tied</b> [1] - 540:18</p> <p><b>timed</b> [1] - 551:24</p> <p><b>timely</b> [1] - 561:15</p> <p><b>today</b> [9] - 530:5, 530:16, 549:7, 552:23, 566:2, 567:6, 584:6, 585:8, 585:10</p> <p><b>today's</b> [1] - 556:9</p> <p><b>together</b> [2] - 567:2, 583:9</p> <p><b>tolerant</b> [1] - 539:19</p> <p><b>Tom</b> [2] - 547:6, 565:12</p> <p><b>took</b> [4] - 530:9, 531:13, 535:9, 561:19</p> <p><b>Tools</b> [1] - 552:13</p> <p><b>top</b> [2] - 576:4, 579:1</p> <p><b>Toronto</b> [1] - 556:11</p> <p><b>total</b> [1] - 570:13</p> <p><b>totally</b> [1] - 536:4</p> <p><b>touch</b> [1] - 540:14</p> <p><b>touchied</b> [1] - 569:21</p> <p><b>toward</b> [3] - 547:24, 557:8, 557:14</p> <p><b>town</b> [5] - 534:24, 553:24, 565:14, 572:10, 580:16</p> <p><b>Town</b> [2] - 529:8, 532:13</p> <p><b>town's</b> [1] - 533:19</p> <p><b>transformer</b> [4] - 542:20, 573:9, 579:20, 579:24</p> <p><b>transplant</b> [1] - 535:12</p> <p><b>treat</b> [2] - 564:19, 581:3</p> <p><b>treated</b> [2] - 564:20, 578:8</p> <p><b>treating</b> [1] - 581:4</p> <p><b>treatment</b> [1] - 538:19</p> <p><b>tree</b> [9] - 540:19, 545:21, 546:2, 546:19, 546:20,</p>	<p>547:3, 548:4, 548:14</p> <p><b>trees</b> [8] - 533:21, 533:22, 545:19, 545:20, 545:21, 547:19, 549:3, 575:5</p> <p><b>tremendous</b> [2] - 560:10, 562:2</p> <p><b>Tried</b> [2] - 550:12, 550:14</p> <p><b>tried</b> [3] - 550:13, 550:20, 551:5</p> <p><b>trimming</b> [5] - 533:21, 546:1, 546:2, 547:3, 575:5</p> <p><b>trip</b> [1] - 579:19</p> <p><b>tripped</b> [1] - 580:1</p> <p><b>Tropical</b> [1] - 531:13</p> <p><b>trouble</b> [1] - 575:6</p> <p><b>troublesome</b> [1] - 550:24</p> <p><b>truck</b> [2] - 540:17, 573:9</p> <p><b>trucks</b> [7] - 536:9, 536:17, 536:21, 541:9, 548:9, 548:12</p> <p><b>true</b> [2] - 550:18, 561:22</p> <p><b>trust</b> [1] - 564:2</p> <p><b>truth</b> [1] - 542:9</p> <p><b>try</b> [4] - 540:21, 557:1, 567:2, 583:15</p> <p><b>trying</b> [2] - 536:11, 551:1</p> <p><b>Tuesday</b> [1] - 550:11</p> <p><b>turn</b> [4] - 552:11, 552:12, 563:24, 584:1</p> <p><b>turned</b> [3] - 551:8, 566:17, 570:12</p> <p><b>twice</b> [1] - 532:21</p> <p><b>two</b> [18] - 530:19, 532:5, 535:9, 537:3, 542:3, 544:11, 545:14, 547:19, 548:19, 550:22, 558:17, 562:24, 566:17, 573:10, 580:1, 580:3, 581:9, 583:9</p> <p><b>types</b> [2] - 555:17, 574:3</p>	<p><b>underground</b> [16] - 534:2, 534:3, 534:7, 534:12, 534:17, 544:19, 544:21, 544:23, 560:18, 560:22, 561:2, 561:4, 561:7, 576:16, 576:22, 576:23</p> <p><b>undergrounding</b> [1] - 576:10</p> <p><b>understaffed</b> [1] - 577:16</p> <p><b>understandable</b> [2] - 569:10, 578:15</p> <p><b>Unfortunately</b> [2] - 544:11, 565:21</p> <p><b>unfortunately</b> [1] - 584:19</p> <p><b>Union</b> [1] - 554:21</p> <p><b>unique</b> [1] - 556:18</p> <p><b>United</b> [1] - 553:16</p> <p><b>unless</b> [1] - 554:2</p> <p><b>Unmann</b> [2] - 549:9, 549:11</p> <p><b>UNMANN</b> [1] - 549:10</p> <p><b>unprecedented</b> [3] - 574:22, 574:23, 575:9</p> <p><b>up</b> [30] - 532:9, 535:16, 535:22, 537:1, 541:13, 543:15, 545:4, 545:7, 546:6, 547:13, 547:21, 549:2, 551:23, 551:24, 554:1, 561:11, 562:3, 562:21, 571:13, 571:15, 571:24, 574:11, 578:11, 578:17, 580:7, 581:22, 582:20, 584:9, 584:23, 584:24</p> <p><b>updating</b> [1] - 568:23</p> <p><b>upgrading</b> [2] - 575:16, 575:22</p> <p><b>upkeep</b> [1] - 543:5</p> <p><b>upset</b> [1] - 582:5</p> <p><b>upwards</b> [1] - 552:16</p> <p><b>utilities</b> [3] - 554:19, 559:16, 577:13</p> <p><b>utility</b> [8] - 531:2, 538:19, 540:10, 546:17, 555:14, 556:15, 559:15, 584:1</p> <p><b>utility's</b> [2] - 560:16, 578:7</p>
<b>T</b>				
<p><b>T.V.</b> [2] - 547:17, 571:1</p> <p><b>talks</b> [1] - 558:20</p> <p><b>tank</b> [1] - 535:1</p> <p><b>tariff</b> [1] - 538:3</p> <p><b>Tarrytown</b> [3] - 547:21, 547:22, 572:11</p> <p><b>teacher</b> [1] - 539:15</p> <p><b>team</b> [1] - 580:4</p> <p><b>technician</b> [2] - 550:18, 551:22</p> <p><b>technology</b> [1] - 568:15</p> <p><b>telephone</b> [7] - 546:5, 546:7, 546:8, 546:16, 547:16, 548:11, 571:13</p> <p><b>temperatures</b> [1] - 554:24</p> <p><b>temporary</b> [1] - 543:8</p> <p><b>ten</b> [3] - 534:6, 551:1, 555:22</p> <p><b>tend</b> [1] - 569:23</p> <p><b>tens</b> [1] - 548:7</p> <p><b>terms</b> [1] - 560:17</p> <p><b>territory</b> [2] - 554:12, 555:5</p> <p><b>test</b> [1] - 570:1</p> <p><b>testimony</b> [1] - 532:5</p> <p><b>themselves</b> [2] - 554:4, 574:12</p> <p><b>thinking</b> [1] - 545:12</p> <p><b>third</b> [3] - 539:20, 549:14, 577:3</p> <p><b>thoughts</b> [2] - 537:3, 563:16</p> <p><b>thousand</b> [2] - 536:15,</p>				
<b>U</b>				
<p><b>ultimately</b> [1] - 538:16</p> <p><b>unconscionable</b> [1] - 560:8</p> <p><b>under</b> [4] - 555:22, 562:14, 570:20, 572:6</p>				

<b>V</b>	566:4, 566:10, 573:2, 575:6, 575:19, 575:23, 576:2, 576:4, 577:11, 578:5, 578:12, 578:14, 578:22, 581:3, 583:13, 583:18, 583:23, 583:24, 584:14	<b>worst</b> [1] - 584:20 <b>worth</b> [1] - 582:1 <b>wrist</b> [1] - 537:7 <b>written</b> [1] - 535:22
<b>van</b> [1] - 569:18 <b>vein</b> [1] - 557:13 <b>Verizon</b> [4] - 547:12, 547:16, 547:17, 548:24 <b>vested</b> [1] - 559:14 <b>village</b> [1] - 570:15 <b>villages</b> [1] - 565:15 <b>voltage</b> [2] - 547:13, 547:14 <b>vulnerability</b> [1] - 559:10	<b>Westchester's</b> [1] - 576:16 <b>Westchesterites</b> [1] - 567:10 <b>White</b> [3] - 539:14, 540:11, 549:1 <b>whole</b> [8] - 557:21, 566:14, 571:10, 572:12, 573:10, 576:11, 580:2, 580:15 <b>wife</b> [2] - 538:9, 547:8 <b>willing</b> [2] - 538:22, 546:9 <b>wind</b> [2] - 555:17, 556:17 <b>winter</b> [6] - 534:14, 535:2, 538:10, 539:18, 552:7, 575:1 <b>wiped</b> [1] - 547:19 <b>wire</b> [9] - 540:9, 541:12, 542:8, 546:6, 569:19, 569:21, 569:24, 570:1 <b>wires</b> [21] - 534:2, 540:18, 542:14, 543:2, 543:7, 544:19, 544:21, 544:23, 545:24, 546:2, 546:3, 546:10, 546:18, 546:23, 560:18, 561:2, 561:7, 576:10, 576:16, 576:23, 579:22 <b>wish</b> [1] - 544:23 <b>woefully</b> [1] - 577:16 <b>woman</b> [1] - 574:1 <b>Woodhill</b> [1] - 545:17 <b>word</b> [1] - 573:7 <b>worker</b> [2] - 569:18, 570:5 <b>workers</b> [1] - 568:18 <b>works</b> [4] - 568:22, 568:24, 570:7, 577:22 <b>world</b> [3] - 535:24, 558:3, 579:14 <b>worse</b> [1] - 566:7	<b>X</b>
<b>W</b>		<b>xerox</b> [1] - 548:2
<b>wait</b> [3] - 533:16, 541:9, 574:7 <b>waiting</b> [5] - 566:15, 567:22, 568:10, 570:8, 578:2 <b>walked</b> [1] - 550:3 <b>wall</b> [1] - 539:4 <b>warming</b> [5] - 554:18, 555:10, 556:6, 556:8, 557:1 <b>Washington</b> [1] - 556:9 <b>watch</b> [1] - 537:7 <b>water</b> [2] - 556:17, 585:4 <b>weather</b> [10] - 554:8, 554:17, 561:5, 565:7, 565:17, 576:8, 576:17, 577:6, 577:8, 584:22 <b>website</b> [4] - 536:6, 536:7, 564:17, 570:19 <b>Wednesday</b> [2] - 551:6, 551:18 <b>week</b> [3] - 533:13, 554:21, 584:23 <b>weekend</b> [8] - 535:5, 543:11, 543:21, 549:22, 561:23, 577:15, 577:19, 577:20 <b>weeks</b> [2] - 534:7, 534:8 <b>welcoming</b> [2] - 566:10, 566:11 <b>Westchester</b> [31] - 530:10, 531:3, 558:8, 558:12, 559:7, 560:22, 560:23, 561:5, 564:15, 564:19, 565:16, 566:3,		<b>Y</b>
		<b>year</b> [11] - 530:10, 532:23, 533:9, 538:11, 544:10, 552:16, 554:13, 555:4, 565:18, 567:17, 575:10 <b>year's</b> [1] - 567:17 <b>years</b> [8] - 534:6, 544:15, 545:20, 546:4, 547:10, 576:1, 583:22 <b>yell</b> [1] - 583:8 <b>Yonkers</b> [1] - 567:14 <b>YORK</b> [1] - 529:1 <b>York</b> [12] - 529:5, 529:9, 530:4, 530:22, 535:22, 539:15, 554:11, 554:19, 555:14, 557:7, 575:24, 578:9 <b>Yorktown</b> [1] - 549:11 <b>young</b> [1] - 581:20
		<b>Z</b>
		<b>zero</b> [1] - 553:5