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STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

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CASE No. 16-E-0060 - Proceeding on Motion of
the Commission as to the Rates, Charges, Rules
and Regulations of Consolidated Edison Company
of New York, Inc. for Electric Service

CASE No. 16-G-0061 - Proceeding on Motion of
the Commission as to the Rates, Charges, Rules
and Regulations of Consolidated Edison Company
of New York, Inc. for Gas Service
-----X

Public Statement Hearing
90 Church Street
New York, New York

June 21, 2016
4:31 p.m.

BEFORE:

BEN WILES, ESQ.
Administrative Law Judge

COMMISSIONER PATRICIA ACAMPORA

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Public Service Commission - Case 16-E-0060_16-G-0061
June 21, 2016

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ALJ WILES: I think we'll go on the on the record now, and I appreciate everyone's cooperation and patience.

Good afternoon, ladies and gentlemen. My name is Ben Wiles and I am Administrative Law Judge with the Department of Public Service. With me on the dais this afternoon is Commissioner Acampora who is a member of the Public Service Commission. And also a member of staff from the Department of Public Service, Anna Senatore.

I'm calling Case 16-E-0060, which is entitled Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations of Consolidated Edison Company of New York, Inc. for Electric Service, and also Case No. 16-G-0061, which is entitled Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations of Consolidated Edison Company of New York, Inc. for Gas Service. They are two cases and they are proceeding right on top of each other in the same

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2 schedule and the same procedures, and these
3 are the Con Ed rate cases.

4 As I mentioned, I'll be conducting
5 this afternoon or this evening, a Public
6 Statement Hearing. My objective in doing
7 this is to provide as large an opportunity
8 as I can for members of the public to offer
9 their comments on the record on the issues
10 as they perceive them in this case.

11 This public hearing is one of two
12 that are being conducted. The second will
13 be held tomorrow afternoon and evening at
14 the Yonkers Public Library. In addition to
15 these Public Statement Hearings, comments
16 can be provided to the Commission in a
17 variety of other ways and these are
18 described in the Public Statement Hearing
19 Notice which you may have seen in the
20 newspaper or received, as well as in the
21 handout fact sheet, a copy of which you can
22 get at the back of the room.

23 First, you can submit comments via
24 the internet at the Department's web page
25 for this case using the comment page

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2 dedicated to Case 16-E-0060 or
3 Case 16-G-0061. Secondly, you can send
4 comments to the Commission Secretary,
5 either by e-mail or regular mail, and the
6 address to do this can be found in the
7 notice for these hearings or in the
8 information sheet. And finally, you can
9 contact the Commission's toll free number,
10 1-800-335-2120 and leave your verbal
11 message on that automated system.

12 Before we move to taking comments
13 from the audience, there will be a short
14 off the record presentation by Ms. Senatore
15 to provide some background concerning the
16 development of these cases so far. By off
17 the record we mean that the reporter will
18 not be taking down what is said and there
19 will be no transcript made of that part of
20 today's proceedings.

21 So I think at this point, we will go
22 off the record and the staff speaker is now
23 Anna Senatore.

24 (Whereupon, there is a pause in the
25 proceedings.)

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ALJ WILES: Let's go back on the record now. I think now I will describe the Public Statement Hearing that we're about to conduct in the way we will take your comments this afternoon.

As you may have learned when you came in, we have asked those who wish to speak to fill out a participation card and to leave the completed card with the PSC staff in the back of the room. They will number the cards as they receive them and then give them to me and I will call for the speakers following that numerical order.

Unless we finish earlier, I will close the hearing record today at 6:00, but I think we'll probably finish before 6:00 so it doesn't seem to be a problem.

It looks now like we will be able to hear all the speakers who want to make a comment. If it appears later that this will not be so, I may ask commenters not to repeat a comment that others have already made, and if the commenter has prepared a

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2 written comment to hand it up, rather than
3 to read it.

4 As I mentioned earlier, we have a
5 stenographer present today to record the
6 proceedings when we go on the record. If
7 you are providing a comment, please speak
8 loudly and clearly so that your name and
9 your statement will be recorded accurately,
10 and please introduce yourself and spell
11 your name as you begin your comment. Both
12 oral and written statements can be received
13 during this Public Statement Hearing. As I
14 mentioned earlier, if you have a written
15 statement and you hand it up, it will be
16 incorporated into the record and there is
17 no need to read the statement into the
18 record orally.

19 COMM. ACAMPORA: Good afternoon,
20 everyone. My name is Patricia Acampora and
21 I am Commissioner on the New York State
22 Public Service Commission, and so I just
23 don't want you to think I'm here just to
24 pass the microphone back and forth.

25 Normally I try to attend as many

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2 public statement hearings as I can but as a
3 Commissioner, I really can't make any
4 comments because I serve in a
5 quasi-judicial capacity. So I'm here to
6 listen to those who make statements. I
7 will write them down and I always share
8 them with my fellow Commissioners, and I
9 just want you to know that it is important
10 that people do attend these public
11 statement hearings. We do take your
12 attendance seriously and your comments
13 seriously, so thank you all very much for
14 being here.

15 ALJ WILES: The first speaker, and I
16 hope we're going to get that microphone to
17 work so I'll ask you to come down, is
18 Edward Lewis.

19 MR. LEWIS: Good afternoon, and I
20 hope you can hear me. And you mentioned
21 AARP, that fine organization, I am not with
22 them but I am a member.

23 My name is Edward J. Lewis. I am
24 the CEO of RCC U.S. Corp., a Queens, New
25 York solar energy provider, and I say good

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2 afternoon and thank you for seeking
3 comments from the public regarding the
4 public utility Con Edison and their desire
5 to increase the cost to their customers of
6 electrical services.

7 The application by Con Edison for an
8 increase in their charges for services
9 should be denied for the following reasons:
10 Number one, Con Edison is a public utility
11 and should not be motivated by a profit to
12 enable their shareholders to be paid more
13 dividends. Con Edison within the five
14 boroughs of New York, does not have any
15 competitors, therefore they are not
16 challenged by another company for their
17 electrical services.

18 My family and I have lived in Queens
19 for more than 50 years and we use Con Ed's
20 services. There was no other option. On
21 my current bill, there is a separate charge
22 called "merchant function charge", and then
23 there's another charge called the "supply
24 charges". We never approved these charges,
25 nor did we sign up withes ESCO, and ESCO is

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an energy supply company, or any other energy service companies but we are still charged for delivery services.

Con Edison promotes customer participation in ESCO, that's what they call the energy supply company. On the Con Ed bill received every month, there is a charge for electrical charges and a Con Ed charge for delivery. These are duplicate, confusing charges that we never signed up for. Quoting directly from a Con Ed bill, "Charge for maintaining the system through which Con Edison delivers electricity to you." Who is delivering the charges? Who is supplying electricity? Is it ESCO or is it Con Edison? This is very deceptive and I certainly will give you a copy of the bill so the Commissioners can see this.

Again, quoting from an actual Con Edison bill, "Basic service charges, charges for basic system infrastructure and customer-related services include customer accounting, meter reading and meter

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2 maintenance." This is from Con Ed's bill
3 statement. A billing and payment
4 processing charge of \$1.20 which may be
5 avoided by switching to an energy service
6 company, ESCO. So Con Edison is promoting
7 this energy service company, and if a
8 customer chooses to switch, they still pay
9 and pay much more than \$1.20. The
10 information, this is on the bill statement
11 again, is very deceptive.

12 Also, Con Ed charges \$25 if the
13 meter reader does not read the meter.
14 Con Ed sends notices when the meter reader
15 is coming. You can wait all day and the
16 meter reader has not arrived. Did the
17 Public Service Commission approve this
18 penalty payment? This is a burden on the
19 customer and additional income for Con
20 Ed.

21 This is a presidential political
22 season. Candidates are emphasizing the
23 difference between the wagers on Wall
24 Street and the low and middle income
25 families trapped in debt. Southeast Queens

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2 is a neighborhood with some of the highest
3 wage owners but Southeast Queens homeowners
4 also suffered with overwhelming
5 foreclosures. Many low and middle income
6 homeowners are struggling to pay their
7 mortgages and household bills, which
8 includes their electricity bills. Will DPS
9 consider these problems when voting on the
10 electric rate increases?

11 The cost of living has increased but
12 wages have been stagnant. If the
13 electricity bills were increased, it would
14 have a detrimental effect on households
15 throughout the five boroughs of the City of
16 New York and unfortunately, a household has
17 no other option to attain their
18 electricity.

19 Members of the Public Service
20 Commission should review the misleading
21 Con Ed bill statements regarding delivery
22 charges and bogus meter reading charges and
23 save the public from being duped. Their
24 electricity bill services should not be
25 granted an increase. Con Edison has

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2 provided excellent electrical services
3 which should avoid the duplicate delivery
4 service and charges. The services provided
5 by ESCO should be dissolved and performed
6 by Con Edison's staff and the cost of
7 delivery saved should be passed on to the
8 customer.

9 The Public Service Commission is to
10 protect the interest of the public.

11 Raising the fees of a conglomerate utility
12 that has no competitors is not in the best
13 interest of the general public who have no
14 other option, and I thank you very much.

15 ALJ WILES: Thank you.

16 MR. LEWIS: Any questions?

17 ALJ WILES: No.

18 The next speaker I have is
19 Kurt Pohmer.

20 MR. POHMER: Yes. Can you guys hear
21 me?

22 So my name is Kurt, K-U-R-T, Pohmer
23 P-O-H-M, as in Mary, -E-R. I live in a
24 condo on the Upper West Side of Manhattan
25 with my wife and my son. I've been on the

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2 Board of our condo for ten years as
3 President and Treasurer. I'm also a
4 commercial lender for the last 25 years,
5 and I manage a \$750 million portfolio and
6 I'm experienced in reviewing companies and
7 their financials, their products and their
8 processes.

9 I understand that rates need to
10 increase to support sometimes the bottom
11 line, but by how much, and if the company
12 is well managed, I can understand that. So
13 I analyzed Con Edison's 2014/2015 financial
14 statements and yes, all 176 pages of their
15 2015's financial statement which also
16 included projections through 2018. My
17 numbers come out a little different from
18 you guys up there and I have something to
19 hand to you so you can give them to your
20 financial analyst. I come based on the
21 proposed rates to about a billion dollars a
22 year that Con Ed will generate in revenue
23 from these rate increases. It's actually
24 \$981 million.

25 So my question to myself was, why

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2 does Con Ed want to increase the rates?

3 The two big components of Con Ed's expenses
4 are capital expenditures, which we all
5 understand, and operating expenses, which
6 mostly like every other company, including
7 yours, sir, is salaries. So I analyzed the
8 financial statements and these are some of
9 my findings.

10 Interestingly enough, revenue in
11 2015 went down by 2.8 percent to
12 \$12.5 billion, or a reduction of
13 \$365 million. Now, interestingly enough,
14 financial statements, if you really know
15 how to do it, they tell a story. So that
16 decrease could have been because of warmer
17 weather, people changing to an ESCO so
18 Con Ed doesn't supply the gas or
19 electricity. So that's one of their
20 thoughts or it could be any other reasons,
21 which I couldn't detain from the financial
22 statement.

23 However, my customers, especially
24 the owners, if they saw revenues go down,
25 you would immediately, and I think

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President McAvoy would do it, look to cut expenses to remain profitable, or he could increase revenue. So he's already trying to increase revenue. Then I looked at their operating expenses. And just to your point, one of the gentlemen, energy costs did go down and because of that, that added to Con Ed's profits for the year. However, rates are going to -- I mean energy costs are going up, but I couldn't determine that, how much they're projecting in 2016.

Interestingly enough, operating expenses average about 60 percent of Con Ed's revenue which is actually high in comparison to all my customers from the many different industries. What I did is I took operating expenses and I deducted -- and that's deducting depreciation and taxes which are non-cash items, and even at 60 percent it's high.

Interestingly enough, operating expenses this past year did go down by \$628 million or 5.8 percent, however these were mostly variable expenses such as

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2 \$444 million with purchase power and it's
3 basically just a reduction as revenue goes
4 down, these variable expenses go down.
5 However, as I said before, there's a
6 component that are fixed expenses and there
7 are salaries. Even though revenue went
8 down, Con Ed from 2014 to 2015 increased
9 the number of employees by 205 employees up
10 to 14,806. That should be questioned
11 because, as I said, revenues go down,
12 expenses should go down, and I estimated
13 based on other testimony that I've read,
14 the 205 employees are going to be an
15 additional \$25 million a year annually.

16 So we looked at operating expenses.
17 Now look at capex, as we all know for
18 Con Ed needs to be very, very high. In
19 2015, the actual number was \$3.4 billion
20 spent on capex. In 2016, it's supposed to
21 go up to \$4.2 million or an increase of
22 \$735 million. Just to let you know though,
23 that's a one-time increase because in 2017
24 it's supposed to go down. So there in
25 itself says that they don't need to

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2 increase the rates ongoing. It should only
3 be for a certain period of time or it
4 should be reduced.

5 So now let's get into a little bit
6 more of the capex, which I found very, very
7 interesting. I took their 2014 financial
8 statement. It projects in 2016 capex of
9 \$3.2 million. All of a sudden when they
10 want to change -- they want to increase the
11 rates, in 2015 financial statement, they're
12 saying it's 4.1 billion, not 3.2 billion in
13 2016. So that means that instead of
14 \$735 million, they're now saying that it's
15 going -- they're going to spend
16 \$900 million. For me, I think that this is
17 just a fudge number in order to tell the
18 PSC that we need a rate increase. And I do
19 have all these numbers. I have a
20 spreadsheet to give your analysts.

21 As you said, dividends are
22 4 percent. Just like money market accounts
23 right now, you're getting 20 basis points
24 versus 400 basis points, so dividends for
25 Con Ed are very, very good.

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Just two more things. One is, our recommendations before any consideration is provided to Con Ed's rate increase:

Implement policies, procedures and multiple authorizations for Con Ed to change a customer's meter multiplier for gas and electric meter reading. Currently, Con Ed revenue inspectors are not required to perform and/or provide any analysis if they choose to change a customer's meter multiplier and overcharge a customer. I have actually a video that can be provided to the PSC whereby a Con Ed engineer stated such facts.

Require that all settlement claims submitted to the OCS and the PSC are resolved and brought current to a maximum of 12 months from the date of the claim. Currently, the PSC has outstanding claims dating back to 2010 and due to statute limitations, such claims must be brought current. Such an action will also decrease the expenses of the OCS, PSC, and to customers who filed the claims since it is

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Con Ed's practice to willfully delay proceedings which evidence can be found.

Thirdly, require that 5 percent of the annual funds of all rate increases approved for Con Edison be given to the PSC to support its annual budget and continuing monitoring of Con Ed.

So I'm going to challenge now, both the PSC and my fellow members here, especially the AARP. Can you guys see the red?

AUDIENCE: Yes.

MR. POHMER: Can you see the red?

(No response.)

MR. POHMER: Con Ed cannot see the red. \$500,000 for three years, and I've been working on it for five years and Con Ed cannot see this red.

So in summary, based on my five-year experiences in dealing with Con Ed on this issue, Con Ed is mismanaged, bureaucratic, monopolistic with slight oversight by the PSC. Their cost of management is willful misconduct due to all of the reasons stated

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2 above. And at this point in time I'd like
3 to say I don't believe they deserve a rate
4 increase and I'd love your analysts to look
5 at all my findings, and they're more than
6 welcome to give me a call. Thank you.

7 (Applause.)

8 ALJ WILES: Thank you.

9 Our next speaker is --

10 MR. ALFORD: Good afternoon, all of
11 you up there. I'm Deacon
12 Deacon Freddie Alford, and I know that
13 you're going to raise the rate every
14 summer, you know, and I don't have an air
15 conditioner. I can't use an air
16 conditioner because I have osteoarthritis
17 and I get cold really quick.

18 So what I did, I took a meter
19 measurement of all the electric appliances
20 that I have in my house and I heard -- I
21 thought I heard someone up there say they
22 were going to take the information that we
23 give them and take it back and give it to
24 the Board. Did I hear someone say that? I
25 think I heard you say that, didn't I?

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MS. SENTORE: Sorry. Repeat that, please.

MR. ALFORD: That you would -- if someone gives you information, you would take it back to your office and have a look over it, right?

MS. SENATORE: If you have a question we can't answer right now, I'm happy to take it back to the State.

MR. ALFORD: Huh?

MS. SENATORE: If you have a question I cannot answer right now, I'm happy to take your question and we can get back to you later.

MR. ALFORD: You mean I can give it to you now?

MS. SENATORE: Sure.

MR. ALFORD: Yeah. So what I did, I took, you know, a list of all the electric appliances in my house and I asked someone to come and check my meter to see if I was being overcharged, but no one ever did. I asked Con Edison to do that but no one ever did. So what I'm going to do, I'm going to

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2 give you my list what I've got, and you can
3 go over it and you let me know what you
4 think of it. Okay?

5 MS. SENATORE: We can speak after
6 this hearing, if you'd like, and we can
7 talk about what issues you may have, and
8 you can give me copies of your bill and I
9 can give you back your original.

10 ALJ WILES: So you're finished.

11 The next speaker would be Chris, I
12 think it's Wideck (phonetic).

13 MR. WIDELO: Chris Widelo. I'll
14 spell it for you.

15 Good evening. So my name is
16 Chris Widelo, last name is spelled, W-I-D,
17 as in David -E-L-O, and I'm the Associate
18 State Director for AARP here in New York.
19 I want to thank you for the opportunity to
20 comment today, and also thank the number of
21 volunteers who are New York City ratepayers
22 and AARP members that are here joining me
23 today.

24 Con Edison has filed a rate case
25 that proposes to increase residential

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2 customers' electric rates by 9.5 percent
3 and natural gas rates by 13.4 percent.
4 They are doing this even though we
5 currently pay some of the highest rates in
6 the country right now, typically more than
7 what twice -- currently more than twice
8 the average American when it comes to
9 electricity.

10 When something becomes unaffordable,
11 people fall behind on their payments.
12 That's what's happening here in New York
13 City now and undoubtedly will continue to
14 happen in the future.

15 Con Edison issued 2.8 million
16 shutoff notices and terminated service to
17 82,000 customers in 2014. This clearly, in
18 many people's opinion including AARP's,
19 shows a real problem.

20 A recent AARP survey of individuals
21 50 and older living in New York City,
22 48 percent of New York City residents age
23 65 plus stated that they are extremely or
24 very concerned about their ability to pay
25 their monthly utility bills. Seniors use

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2 the same amount of electricity as younger
3 persons, but unfortunately paying the bill
4 consumes more of their household income.
5 As of February, 2016, the New York City
6 Department of Social Services Human
7 Resources Administration reported that
8 368,420 individuals had received some form
9 of cash assistance due to their poverty
10 level and household needs, an increase of
11 almost 20,000 since February, 2011; over
12 1.5 million individuals received Food
13 Stamps or SNAP assistance; 2.1 million were
14 enrolled in Medicaid; and 424,631 are
15 enrolled in social security supplemental
16 income.

17 AARP clearly understands the need
18 for investments for safety and reliability
19 of service, however, we strongly recommend
20 that you scrutinize the Con Ed proposal to
21 ensure that all is being done to make sure
22 those of us who live in this city can
23 afford our utility bills and have the help
24 we need to keep the lights and heat on.

25 AARP is also concerned that

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1
2 Con Edison is spending \$1.2 billion of our
3 money to replace every customer's meter
4 with a new digital or smart meter based on
5 yet unproven benefits. AARP strongly
6 recommends that the Commission reconsider
7 its approval of Con Edison's \$1.2 billion
8 smart meter investment. AARP believes
9 there has been no opportunity to fully
10 explore Con Edison's estimated costs or the
11 benefits of this technology.

12 Under the PSC's approach, this
13 significant expense will be paid for by
14 Con Edison's residential customers long
15 before there is any proof that the alleged
16 benefits will occur or in what amount. Why
17 wasn't a pilot approach considered before
18 allowing Con Edison to replace every meter
19 in New York City at ratepayer expenses?
20 Why are ratepayers stuck paying this
21 billion dollar expense before anyone can
22 verify and determine this new policy to be
23 useful and beneficial to the people paying
24 the bill? Thank you, again, for the
25 opportunity to speak today.

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2 (Applause.)

3 ALJ WILES: Thank you.

4 The next speaker is Richard Berkley.

5 MS. BURD: Good evening. I realize

6 I don't exactly look like the usual

7 Richard Berkley that you expect to hear.

8 Unfortunately Richard was trapped by Amtrak

9 problems and was unable to come down from

10 Albany today. So I am Rachel Burd, the New

11 York City staff person for the Public

12 Utility Law Project but I am reading

13 Richard's statement.

14 Good evening. My name is

15 Richard Berkley, that's B-E-R-K-L-E-Y. I

16 am the Executive Director of the Public

17 Utility Law Project of New York, otherwise

18 known as PULP or the Utility Project. PULP

19 is a 35-year-old nonprofit public interest

20 law firm with a unique mission in New York

21 State. We are the interdependent consumer

22 advocate that represents the rights of

23 low-income and fixed-income New Yorkers,

24 such as seniors, the disabled, veterans and

25 other New Yorkers paying 30 percent of

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2 their income in housing costs and making
3 less than \$25,000 per household.

4 I want to thank you, Judge Wiles,
5 Commissioner Acampora, for the opportunity
6 to testify here tonight. This is a vitally
7 important rate case that affects millions
8 of people here in New York City and in
9 Westchester.

10 Our first and most important point
11 is the problems with affordability that
12 Mr. Widelo referred to in his testimony.
13 As part of our mission, PULP studies the
14 impact of the various utilities, rates, and
15 rate design upon the low-income and
16 fixed-income consumers in their service
17 territory. In the case of Con Edison's
18 existing rate and rate structure, we have
19 found that there has been an extraordinary
20 increase in the negative impacts of
21 Con Edison's high rates on the low,
22 moderate and fixed-income in its service
23 territory. In our opinion, the company's
24 2016 rate increase proposal would only
25 exacerbate the situation.

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2 Under the current rate structure,
3 almost 50 percent of the company's
4 customers cannot afford their utility
5 bills. Con Edison has also failed to
6 enroll over 150,000 eligible and needy
7 low-income consumers into their reduced
8 rate programs for residential electric or
9 gas service. The total amount of
10 residential customer debt 60 days or older
11 in 2016 is one and a half times what it was
12 in 2015. Customers owed an average of \$370
13 on their energy bills in 2005. This has
14 increased 123 percent. The aggregate
15 number of customers behind on their
16 payments has increased 10 percent since
17 2005.

18 Clearly, on top of the massive
19 financial trauma low-income people suffered
20 during the 2008 financial crisis and
21 subsequent rate recession, the strain of
22 paying for essential utility services today
23 is substantially worse than it was in 2005.

24 Furthermore, many of New York's low
25 and fixed-income households, seniors, the

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1 disabled, veterans, and New Yorkers paying
2 30 percent or more of their income on
3 housing and with household incomes of
4 \$35,000 or less, eight years later still
5 have not recovered from the Great
6 Recession, the foreclosure crisis, and the
7 other financial strains that ravaged New
8 York City's neighborhoods.
9

10 Meanwhile, the number of termination
11 notices the company has issued since 2005
12 has increased by a shockingly high
13 75 percent annually, a profoundly
14 aggressive use of extreme collection
15 procedures. There has been a 12.7 percent
16 increase in the number of deferred payment
17 agreements, also known as DPA's, since
18 2005. However, disturbingly, there has
19 also been a steady rise in the rate of
20 default on DPA's since 2013, higher even
21 than in the years of the financial collapse
22 and the Great Recession.

23 Despite the individual human
24 hardships evident in these numbers, the
25 company's current proposal does not include

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2 an increase in discounts or an expansion of
3 the eligibility criteria for its reduced
4 rate plans to offset the rate increases
5 it's requesting. It has neither offered
6 nor suggested improved enrollment
7 prodedures. In fact, in its testimony,
8 Con Edison suggests lowering the targeted
9 amount for planned discounts to account for
10 a lower participation level it somehow
11 forecasts. Yet, Con Edison emphasizes that
12 somehow all qualifying electric and gas
13 customers will continue to be accepted in
14 the plans.

15 Yes, it is true that the company's
16 proposal may be made completely irrelevant
17 by the PSC's May 20, 2016 low-income
18 affordability order which PULP, the City of
19 New York, Statewide low-income advocates,
20 and elected officials fought for over the
21 last year and a half. However, that has
22 neither been asserted nor proven in this
23 proceeding.

24 What is certain, however, is that
25 should the rate increase filed by

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2 Con Edison in this proceeding be approved
3 as submitted, the impact would be
4 devastating upon New York City's seniors,
5 low-income households, the disabled and
6 veterans, all other groups in the low and
7 fixed-income brackets.

8 In addition to the immediate
9 problems caused by any large rate increase,
10 Con Edison has also for decades relied on
11 questionable legal practices, arguably in
12 violation of the Home Energy Fair Practices
13 Act in its attempts to resolve arrears
14 through the use of intimidating public
15 court buildings. Con Edison routinely
16 sends customers with significant arrears a
17 "Notice of Application" that requires them
18 to obtain what is called a hearing date on
19 which they believe they will be heard in
20 court on a meter seizure matter. However,
21 the actual hearing they schedule with the
22 court is not, in fact, a hearing with a
23 judge. This so-called hearing is actually
24 a meeting with representatives of
25 Con Edison in or adjacent to a courtroom

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2 that has been given to them for their
3 private corporate use.

4 Attorney Alfred Fuentes, a PULP
5 Board Member who represented a client on
6 such an occasion, testified elsewhere in
7 these proceedings as follows: "The court's
8 clerks informed me that Con Edison never
9 files any affidavits of service or papers
10 of this sort because the company files
11 hundreds of possible claims at once and the
12 paperwork would therefore be too cumbersome
13 for the court's staff." He later found
14 that this client's case was not scheduled
15 for litigation and that the court provided
16 the venue as a courtesy to the company.

17 Should the consumer not reach
18 agreement with the company during this
19 appearance at the court building in what is
20 characterized as a voluntary negotiation,
21 only then does litigation proceed. He
22 filed an order to show cause but Con Edison
23 settled before the court responded.

24 According to Mr. Fuentes, a "Village Voice
25 Article reported that 284 meetings were

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2 held in February alone in these public
3 court buildings." The article is entitled
4 "Con Edison's Kangaroo Court: How a
5 private company and our public courts put
6 New York consumers in the hot seat", and it
7 details at great length how the company's
8 actions might reasonably confuse a
9 customer, particularly one from an English
10 language learning community that the
11 company was acting under color of law, or
12 as a state actor when customers were
13 induced to come into a Con Edison courtroom
14 by legal seeming documents.

15 In the end, the most important
16 issues presented in this case are simple:
17 New York City's neighborhoods are emersed
18 in an affordability crisis unlike any the
19 City has seen since the Great Recession.
20 Huge numbers of Con Edison's customers are
21 unable to afford their utility bill and the
22 customers -- the company's rate reduction
23 assistance programs may have broad
24 eligibility criteria and may be generous
25 but they are insufficient numbers

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of -- excuse me -- but insufficient numbers of City residents qualify and the discounts not robust enough to stop hundreds of thousands of New Yorkers from having their power shut off.

PULP's here today at this hearing and in this rate case because we are at your side and we fight for broader eligibility, and more robust rate reductions, and fair processes, and better outcomes when customers and Con Edison negotiate to settle past arrears. Thank you.

(Applause.)

ALJ WILES: Thank you.

The next speaker is Phil Vanaria.

MR. VANARIA: Hi. I am Phil Vanaria, that's P-H-I-L, V, as in Victor, A-N, as in Nicholas, -A-R-I-A. I'm a lifelong native New Yorker and a good public citizen. Thank you for this opportunity to provide input regarding this rate increase request by Con Edison.

I oppose this request by Con Ed.

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All of us New Yorkers are already heavily overcharged by this behemoth as we are residents of one of the top states in which the highest such utility rates are levied.

Considering how grossly overpaid Con Ed's executives and managers are in public opinion, I suspect a good amount of the revenues they intake goes to distributing profits to these people. However, the publicly promoted mission is to reasonably and conscientiously provide necessary effective services to public consumers, its paying customers.

It does seem that maintenance repair, improvement and upgrading of the infrastructure that is under Con Ed's care is still not up to acceptable par and therefore, our payments for these services are not entirely being put to the proper use that might warrant -- entirely being put to the proper use that might warrant, albeit by some stress or distortion of ethical reality, such high rates and charges.

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The public has had to contend with too many Con Ed failures, complaints of outrageous billing and overcharging, manholes blowing up, gas explosions, steam pipe tragedies, and stray voltage hazards and so on that make Con Ed's request questionable.

My own particular reservations are all augmented for one thing, for my unique perspective as likely the first human survivor on public record, including widespread media reports, of stray voltage caused by Con Ed's negligence. I was electrocuted while using a public pay phone in the West Village in August, 1997, a near-death experience in which I sustained devastating shocks from both the phone equipment and even more severely worse, its adjacent bumper post leaving me with the life-altering, life-lasting daily challenges of a traumatic brain injury and nerve damage from the cells killed or altered by that negligent electricity. I am much too painfully aware of some of

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2 their dangerous actions or inactions.

3 Also in the course of the legal
4 action that I had to endure as insult added
5 to injury, Con Ed fought aggressively to
6 limit their repairs to an insufficient
7 measure to me, the human equipment which
8 they wholly shattered. I experienced
9 firsthand frustrating delays, callous
10 indifference, shamelessness, and no
11 apologies and no gratitude. I note this
12 for your informed education, particularly
13 the ingratitude because I find it telling
14 regarding Con Ed's true nature, bottom
15 line, and its action playing in other
16 business areas.

17 Miraculously I walked away from my
18 electrocution, and driven by a good
19 citizenship sense that was engrained in me
20 by my good parents, I walked to a nearby
21 fire station to report it without giving
22 any of my personal identification
23 information there, purely for the purpose
24 of preventing the same thing or worse, a
25 full death from happening to the next

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2 person there. Even in light of that, my
3 helping Con Ed in this way in effect, and
4 my becoming seriously disabled by them for
5 life, Con Ed still battled me to preserve
6 their profits. This is a disgracefully
7 stark contrast to the very public apology,
8 comfort and repairs they extended, and
9 rightfully so to the grieving family of
10 Jodie Lane, the young woman fully killed by
11 stray voltage six years after my tragic
12 experience. Con Ed's public face, they
13 took such shape, of course, after the long
14 overdue public outcry and pressure in the
15 aftermath of a full blown fatal and final
16 death. This, for me, stands as an example
17 of all the confected public relations for
18 the company I know all too well, the people
19 that I don't trust, to adapt an old
20 advertising slogan of theirs.

21 It's the same type of public
22 relations they might do to put across their
23 request for increasing rates and maybe even
24 to explain the way or spin secret
25 settlements they've made with other victims

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2 of these disservices. Mine was not a
3 secret settlement.

4 In conclusion, I do in fact trust
5 that there are many good and dedicated
6 through the filing board workers at Con Ed,
7 and surely some fair-minded executives too,
8 and that the public benefits from their
9 good and efficient services that they do
10 render, but by and large, I have little
11 trust, if any, in the message of Con Ed's
12 directors. I myself don't believe they've
13 earned anything remotely close to the
14 requested inflated rate hikes they seek to
15 unleash upon public consumers just like
16 stray voltage. They are not honored
17 enough, not yet anyway. Thank you for your
18 time and consideration, and hopefully
19 reasonable, and fair, and conscionable
20 decision.

21 And I really also want to add that
22 all the previous comments that were made, I
23 really applaud them and I support them.
24 They were very well thought out. They're
25 not the type of thinking that I can do, but

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I have read a number of these types of messages and the stuff about overcharging and outrageous bills that people get, and estimations and stuff is just disgraceful.

I'm very sad too. I'm very nervous about the Public Service Commission. I'm very nervous about any of our authorities up in Albany that are supposed to be overseeing people that have been a corporation such as Con Ed who has been allowed to do so much self-reporting for so long. I think a lot of times this is a sham, and I wonder if it's all lip service, and that makes me very sad. We don't deserve this. The people, the good people, the public of New York don't deserve to be taken for such fools.

(Applause.)

ALJ WILES: The seventh speaker I have here is Arthur Evans.

MR. EVANS: I just want to apologize to the representatives of the Commission. This is going to be kind of very brief and I just decided to comment at the last

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2 minute. I just made the decision this
3 afternoon to appear at this session.

4 My own background is that I had
5 appeared at numerous Commission proceedings
6 dating back to -- I was formally the 976
7 Subscriber of New York Telephone and Bell
8 Atlantic, appeared in rate cases in '86,
9 '87, appeared in billing and collection
10 cases in the late 80's, appeared in
11 affiliate transaction cases in the early
12 '90's. I also had formed the first trade
13 association representing consummate
14 providers in New York State before there
15 was even an internet. It was called the
16 Ad-hoc Community of Independent Information
17 and Providers. We subsequently appeared in
18 various court cases and cases involving
19 potential and gross negligence and
20 misconduct by then New York Telephone and
21 Bell Atlantic.

22 In 1997, Judge Frank Robinson found
23 New York Telephone guilty of gross
24 negligence and misconduct. A year later in
25 '98, Bell Atlantic came back to the

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2 Commission and said we have a Y2K switch
3 glitch and we're going to shut down the
4 entire audio text industry. I refused to
5 settle the shutdown of my own business.
6 Other people agreed to have their
7 businesses shut down in 2004. I wound up
8 suing the Commission in federal court and I
9 sued Verizon later on.

10 The reason I bring this all up is
11 that there was a history of me being a
12 little bit of a regulatory nudnik to
13 enforce my rights before the Commission,
14 and there was a lot of animus on the part
15 of the phone company. In fact, when Bell
16 Atlantic came in after the gross negligence
17 findings in '98 and saw we got a Y2K switch
18 glitch, we're going to shut down the
19 industry, Verizon General Counsel
20 threatened to have my legs broken on the
21 the phone and discovered her family ran an
22 organized crime backed labor union in
23 Providence, Rhode Island.

24 So there was a history of animus,
25 Commission staff, utility people. So then

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2 when I was in litigation, I moved from
3 Brooklyn to Floro Park, Nassau County in
4 the early 2000's and was being harassed out
5 there by a small town sherif, I decided to
6 move back to Brooklyn in 2009. I was being
7 harassed and cyberstalked for many, many
8 years in Floro Park back to Brooklyn.

9 So the reason I'm here is that I
10 understand there's a proceeding underway
11 that's affecting just and reasonable rates
12 and the Commission has a statutory
13 obligation. My suggestion here is that I'm
14 bringing something new to the Commission's
15 attention, and I understand that
16 rates -- these case must move quickly and
17 the Commission will each reach a decision.
18 I'm bringing something to the Commission's
19 attention, is that we have utility workers
20 and it's not just Verizon workers, they're
21 Con Ed workers. I've been cyberstalked,
22 harassed, intimidated via GPS tracking, via
23 live Google Street View tracking, via
24 tracking my movement on MTA bus lines via
25 MPA GPS tracking technologies. I've been

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2 tracked, for example, when I leave my
3 apartment, I would run into Con Ed crews
4 that are being illegally dispatched along
5 the streets of New York to track my
6 movement. It just so turns out that
7 Con Edison has had projects with Columbia
8 University where they have a system in
9 place where they have live Google Street
10 View over every construction site they have
11 in New York so that if a Con Ed worker
12 knows your movement along the streets, they
13 can see you along the streets walk along
14 the paths live. So for several years in my
15 Bensonhurst apartment, I've been
16 tracked -- construction sites have been set
17 along my path to intimidate me, and harass
18 me and track my movements.

19 Same thing with getting on and off
20 MTA buses, and most recently now you have
21 the widespread availability of facial
22 recognition apps, which if a Con Ed worker
23 knows where your locations for shopping
24 are, they can track you on the video and
25 the video is on any Verizon network or it's

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2 on any NYPD shield video network, to track
3 your movements throughout the City and
4 harass you. So for seven years or more
5 I've been subject to GPS stalking,
6 harassing, tracking by Con Ed and Verizon
7 workers, and part of this process involved
8 the illegal dispatching of trucks by Con
9 Ed. In other words, Con Ed knows you're
10 going to be at such and such location,
11 they'll dispatch a truck there. This
12 illegal dispatching of Con Ed trucks is
13 millions and millions of dollars, and I'm
14 sure I'm not the only one this has
15 affected. I'm sure I'm just a minor -- I'm
16 one sample of a broad populous that's being
17 sort of harassed and cyberstalked by
18 Con Ed.

19 This illegal dispatching to track
20 and stalk and harass people who for
21 whatever reason may be on their bad side,
22 is costing ratepayers -- showing up as a
23 Con Ed expense, an increased Con Ed expense
24 to millions of dollars. In turn, this
25 millions of dollars of illegal

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2 cyberstalking and illegal dispatching is
3 affecting just and reasonable rates.

4 My purpose here today is to suggest
5 to the Commission that whatever amount of
6 rate increase is approved, and they will
7 approve some rate increase I'm sure, they
8 should leave the set aside amount and make
9 it subject to a new Commission proceeding
10 that will be set up by the Commission to
11 investigate the possibility of illegal
12 dispatching and improper dispatching
13 practices and procedures of Con Ed, as well
14 as to investigate potential illegal use of
15 tracking GPS, stalking and cellular
16 technologies by utility workers.

17 And I think in order to
18 accomplish -- and there's a broad public
19 purpose here, not just a purpose to protect
20 as individuals. New York relies upon its
21 economy to generate taxes and generate new
22 business, and to the extent you allow
23 utility workers to cyberstalk, track and
24 harass small business people and
25 individuals, you're destroying the very

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fabric of New York State. There's a broad public purpose, a broad economic purpose and a broad ratepayer purpose here.

What I suggest with regard to this new proceeding is that they -- there's no -- you're a victim of being cyberstalked, harassed, tracked through your GPS, facial recognition apps, live Google Street View, there's no complaint mechanism in the books. The police don't want to hear a stalking complaint because they don't enforce stalking criminal violation. The PSC doesn't have a stalking complaint process, or a harassment complaint process, or a utility misconduct process. All they have is a complaint regarding bills and you have to go back to the utility first.

So as part of this new case, I suggest to the Commission that they set up a separate and independent and new hot line whereby consumers can file complaints directly with the Commission without going back to the utility, advising the

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Commission that what you have here is a -- we have a complaint, we're being cyberstalked, harassed, or our door is being knocked on as happened yesterday to a neighbor. When they knew I was leaving a building, they -- I can show you the video if anybody wants to see it after this meeting -- they set up their truck in front of a nearby building, they knocked on the door and say we got a complaint from your house, there's an outage. And so once they start construction in the ground, they can set up live Google Earth when you come and go from your building across the street. This is a serious problem affecting just and reasonable rates, so you need to have a complaint hot line as part of this new Commission proceeding.

Only with a complaint hot line and a public education process in setting up this hot line, alerting consumers through this new hot line will the Commission be able to develop a proper evidentiary record of other complaints of cyberstalking,

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2 harassment, illegal dispatching practices.
3 And by enabling the Commission to get a
4 record, then the Commission will be able to
5 determine a proper next step as to whether
6 further formal proceedings are required,
7 but we live in an age of new technology.
8 We live in an age where we can't forget the
9 past or we'll fail. We have a history of
10 unions, and union harassment, union
11 intimidation, and yet we put all these
12 technologies in the hands of utility
13 workers without any regulatory control.
14 I've actually gone to Con Ed and Verizon
15 and complained about the stalking and
16 harassment. I have yet to get a response.

17 So just to summarize, I urge the
18 Commission to, at this length, not
19 interfere with this regulatory process, but
20 to have a set aside on rates and make
21 whatever rate increase they approve subject
22 to a new Commission proceeding to
23 investigate the use of new technologies,
24 potential harassment, and improper
25 dispatching practices by Con Ed. And you

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2 can easily extend this process to Verizon
3 workers who have equally been involved in
4 cyberstalking and harassment.

5 And I don't know if you picked this
6 up in the newspapers but when CWA workers
7 were on strike, they were tracking
8 management that was trying to serve the
9 public. Do you know what tracking,
10 stalking -- do you know that stalking is a
11 criminal violation in the State of New York
12 that the Governor signed into law?
13 Tracking people is illegal in New York.
14 How does the public complain? Who's
15 regulating the utility's use of new
16 technologies against the public.

17 So I think this is a very important
18 issue I needed to bring to your attention.
19 I hope you consider it in the broad public
20 interest, and I hope you leave a set aside
21 on rates and for a new Commission
22 proceeding. I thank you for your time.

23 ALJ WILES: Thank you.

24 (Applause.)

25 ALJ WILES: I don't have any more

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participation cards.

Is there anyone in the audience who wants to make a comment but didn't fill out the card or maybe changed their mind?

(No response.)

ALJ WILES: Hearing none, I think we can adjourn this hearing at this point. Once again, I remind you there's a second hearing or another hearing in Yonkers same time tomorrow. Thank you, again. We're adjourned.

(Time noted: 5:53 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)
COUNTY OF RICHMOND) ss:

I, JENNIFER CASSELLA, a Notary Public
within and for the State of New York, do hereby
certify:

I reported the proceedings in the
within-entitled matter, and that the within
transcript is a true record of such proceedings
to the best of my ability.

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

IN WITNESS WHEREOF, I have hereunto set
my hand this 25th day of June, 2016.

JENNIFER CASSELLA

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June 21, 2016

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