

1 16-G-0257 - National Fuel Dist. - 10-26-16 - 6:00 p.m.

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3 STATE OF NEW YORK
4 DEPARTMENT OF PUBLIC SERVICE

5 16-G-0257 - NATIONAL FUEL GAS DISTRIBUTION CORP. - GAS
6 RATES

7

8 PUBLIC STATEMENT HEARING

9

10 Wednesday, October 26, 2016
11 6:00 p.m.

12

13 Buffalo and Erie County Public Library
14 Central Branch
15 One Lafayette Square
16 Buffalo, New York

17

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21 DAKIN LECAKES
22 Administrative Law Judge
23 Three Empire State Plaza
24 Albany, New York 12223-1350

25

COMMISSIONER DIANE BURMAN

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2 A.L.J. LECAKES: Okay. It's a few
3 minutes after six. We're going to get started in a
4 minute.

5 If -- people in the back, if you want
6 to make your way in and take a seat.

7 Good evening, everyone.

8 I am Administrative Law Judge Dakin
9 LeCakes. Welcome to the public statement hearing.

10 Tonight we're here for Public Service
11 Commission case sixteen dash G dash zero two five
12 seven, the proceeding on the motion of the
13 Commission, as to the rates, charges, rules and
14 regulations of National Fuel Gas Distribution
15 Corporation, for gas service. A notice of this
16 public statement hearing was issued by the Secretary,
17 to the Commission on September 27th, 2016.

18 I would like to thank the Consumer
19 Services and Outreach Staff of the Department of
20 Public Service, and the Buffalo and Erie County
21 Public Library for helping with the arrangements for
22 today's session.

23 We also have the honor of having
24 Commissioner Dianne Burman. Commissioner Burman,
25 would you like to say anything?

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2 COMMISSIONER BURMAN: I'm grateful to
3 be here and to be a listener today and to take your
4 comments that you say and bring them back to the
5 Commission and share that. So, thank you very much.
6 I appreciate that you came out tonight. I'm looking
7 forward to your comments.

8 A.L.J. LECAKES: Yes. Thank you very
9 much, Commissioner and welcome to Buffalo.

10 Again, I am Judge Dakin LeCakes and I
11 am the presiding Hearing Officer in this case. My
12 purpose is to collect the public's comments and hear
13 the positions of all the parties and then to make a
14 recommendation to Commissioner Burman and her fellow
15 Commissioners. The Commission then makes the final
16 decisions on NFG's requests.

17 Before we start taking your
18 statements, I just want to explain a bit about the
19 process.

20 In April of 2016, NFG filed a request
21 to increase its annual gas delivery rates by
22 approximately forty-one point seven million dollars.
23 That amount would be collected from all of NFG's
24 customers in New York State.

25 After NFG made its request, I held a

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2 conference in Albany, to establish a schedule. Other
3 parties representing different interests, including
4 residential and low-income customers, as well as
5 business customers and industry customers, attended
6 that conference. At the end of August, those parties
7 have all filed documents providing their own analysis
8 of NFG's request.

9 Staff from the Department of Public
10 Service, the companion agency to the Commission,
11 recommended that NFG be given only a one point eight
12 million dollar increase from the company's existing
13 rates.

14 During the process I also held public
15 statement hearings for this case, on June 28th, here
16 in Williamsville and in -- June 29th, in Jamestown.
17 On October 5th, 6th and 7th, we held evidentiary
18 hearings in Albany, New York, which were attended by
19 all the participating parties. At those hearings the
20 parties were able to cross-examine the witnesses and
21 other parties. The transcript of that hearing,
22 available on the Department of Public Service
23 website, has approximately two thousand seven hundred
24 pages of testimony. In addition, the parties
25 supplied over three hundred and thirty exhibits.

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2 Right now, I am in the process of
3 writing a recommendation to the Commission, based on
4 the October hearings, as well as the public
5 statements that were held in June, any public
6 comments that are here -- given tonight and any other
7 comments that have been received from email, regular
8 mail or telephone.

9 On Thursday, last week, NFG filed a
10 notice that it was going to also pursue settlement
11 discussions in this matter, to see if they can
12 propose a cooperative resolution. The parties have
13 met once and as far as I know, plan to continue
14 meeting.

15 If a settled resolution is eventually
16 proposed, then my job would be to make a
17 recommendation based on the party's agreement. Until
18 then, I continue to review everything that has been
19 received so far and make a recommendation based on
20 the request and the hearings we held in October.

21 Either way that it turns out, my
22 recommendation, will be then given to Commissioner
23 Burman and the other Commissioners for their final
24 decision.

25 In addition to today's public

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2 statement hearing, comments for the Commission can
3 also be provided in other ways. As described in the
4 public statement hearing notice and the information
5 sheet that's available out on the table in the foyer,
6 you can send comments to the Commission Secretary,
7 either by email or by regular mail. There are
8 envelopes that are already addressed, out on the
9 table.

10 You can also submit comments via the
11 internet, at the Department's webpage for this case,
12 using the comment page dedicated to case sixteen dash
13 G dash zero two five seven. Finally, you can call
14 the Commission's toll-free number, one eight hundred
15 three three five two one two zero and leave your
16 message on that answering system.

17 As you came in tonight, we asked those
18 who wish to speak, to fill out a card. I will call
19 the cards in the order that they were given to me.
20 When I call them, I will call the person that's up
21 speak, as well as the person that is next, so that
22 they can prepare to give their comments.

23 Right now, I only have six cards, but
24 my understanding is some other people might be coming
25 in in a little bit. To the extent that we finish up

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2 with the comment cards that I have, if it's still
3 before seven o'clock, I will go off the record and
4 hold the hearings in abeyance until we get the other
5 people in.

6 Otherwise, at seven o'clock, I will
7 close the session. If more people do come in and the
8 comments go beyond seven o'clock, we will keep the
9 hearings open until everyone has had an opportunity
10 to speak.

11 UNIDENTIFIED SPEAKER: Thank you for
12 that.

13 A.L.J. LECAKES: You're very welcome.

14 First up, for the initial speakers, I
15 have Sam MaCavern and then afterwards, I have Charley
16 Bowman. Is Mr. MaCavern here?

17 As you'll note, we do have a Court
18 Reporter here, so when you come up, please use one of
19 the microphones on either side of the stage, identify
20 yourself just by your name again, so that we can
21 match the card with the person speaking and just make
22 sure you speak loudly and clearly, so that the Court
23 Reporter can record everything that's being said.

24 Thank you.

25 Proceed.

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2 MR. MACAVERN: Thank you, your Honor
3 and Madam Commissioner.

4 My name is Sam MaCavern and I codirect
5 the Partnership for the Public Good. We're a
6 community-based think-tank here in Buffalo, uniting
7 two hundred and forty-three community organizations
8 and we're releasing a -- a policy brief today,
9 opposing the rate hike and I have copies of it with
10 me. So, I won't redo the whole policy brief, but
11 it's -- it's quite long and we did spend a lot of
12 time sifting through the public record.

13 And I -- I just want to make an
14 initial comment that even for people who do this for
15 a living, it was really hard to understand National
16 Fuel's proposal and I think there is a real need for
17 both the utility that's making the request and then
18 also for the PSC to provide a document for ordinary
19 people to read that would clearly explain why they're
20 requesting the money and especially what the money
21 would go to because trying to review the budget and
22 the surrounding information, it was really quite
23 complex and opaque and we did the best we could. And
24 I have to say, the more we read, the less justified
25 the rate hike seemed.

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2 But essentially, we're opposing it for
3 four reasons. The first is that it unduly burdens
4 low-income customers who are already struggling to
5 pay their utility bills. Given the number of shut-
6 offs that New York State sees every year, low-income
7 customers just can't afford any higher rates.

8 And one of the problematic aspects of
9 it for us, in that regard is that so much of that
10 rate hike goes to the fixed energy costs. So, that
11 seems to penalize the smaller customer unduly and the
12 people who are trying to conserve energy because that
13 part of the rate hike will be assessed no matter how
14 energy they're using or not using.

15 The second reason is just the
16 remarkable profitability of National Fuel and the
17 fact that they've increased their executive
18 compensation and their dividends each year and that
19 the executive compensation has skyrocketed and
20 really, if you compare it to what they were being
21 paid ten years ago and then you look at the rate
22 hike, it's hard to avoid the feeling that the rate
23 hike is a lot about just continuing to increase
24 executive compensation and in fact, that is part of
25 what they requested and something that the PSC's

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2 auditor had some very good questions about, noting
3 that under the regulations, an increase in executive
4 compensation has to be tied to benefit to the
5 customers and to the environment and that in their
6 case, it seemed really just tied to their financial
7 performance.

8 The third reason is that many of the
9 claimed expenses seemed questionable and the auditors
10 have raised many good questions about them, whether
11 it's the labor costs, whether it's the fact that the
12 gas mains are attributed to -- whether those should
13 be attributed to customer demand or not, whether it's
14 the executive compensation. As I said, the more we
15 looked, the harder to justify the rate hike seemed.

16 And then the last issue is just for
17 environmental reasons. Given what we know now about
18 climate change and the need to leave fossil fuels in
19 the ground, it just seems reckless to be investing
20 more in fossil-fuel infrastructure and we think that
21 if ratepayers are going to pay any more money for
22 energy, it should be going to renewables and to
23 energy efficiency.

24 Thank you very much.

25 A.L.J. LECAKES: Thank you.

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2 Next card I have is Charley Bowman and
3 then afterwards will be Lucy Velez.

4 MR. BOWMAN: Thank you and welcome
5 back to Buffalo once again.

6 My name's Charley Bowman. I'm co-
7 chair of the Environmental Justice Task Force of the
8 Western New York Peace Center, now in its forty-ninth
9 year.

10 And I -- we oppose the -- the rate
11 hike. It's completely unfair and a burden to what
12 Sam just said, to the low-income folks in Western New
13 York and I share Sam's comments about the opaqueness
14 of the filings on your website. I -- I -- they're
15 totally -- you need a -- you need to write a
16 guidebook, a map, you need to give us a GPS Unit to -
17 - to navigate our way through all those documents
18 with tables upon tables upon tables, with no
19 explanation. So, please make that table at some
20 point and -- so we can truly evaluate in detail, at
21 least, you know, a -- someone like me who is not
22 trained in that area -- in this area.

23 But the -- the -- the thing is unfair
24 and the amazing thing is, judging from other websites
25 that I -- I looked at and looking at the financial

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2 aspects of National Fuel, their -- their costs have
3 suddenly increased by a factor of thirteen, between
4 2014 and 2015. From ninety-some million dollars to
5 one point two billion dollars and so suddenly, they
6 have a whole in their budget and I hope your staff
7 looks in that in detail and why that happened.

8 From where I understand it, it's --
9 they're -- they're building this North -- Northern
10 Access 2016 pipeline, which costs roughly four
11 hundred and fifty-five million dollars and that's an
12 added burden. That's a sudden burden and that's --
13 and that's -- that's also exemplified by something
14 that was published in Seeking Alpha.

15 Dave Bower who is a principal of the
16 company, I believe the treasurer or the president,
17 quote, moving to physical seventeen, we expect
18 capital expending -- capital spending and dividends
19 will exceed cash from operations by approximately
20 three hundred million dollars. Most of this
21 outspending -- outspend, will be driven by the
22 Northern Access Project. The pipeline, I referred
23 to. The bulk of the capital spending on the Northern
24 Access will occur next summer, on 2017, so as we move
25 through the physical year, we will evaluate and

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2 ultimately execute longer term financing.

3 And so the rate hike is part of that
4 financing, with the forty-two million dollars. They
5 could borrow something in excess of four hundred and
6 fifty-five million dollars and pay for that pipeline.

7 You know, as Sam said, we need to
8 leave the fossil fuels in the ground. As you've
9 heard from us before and you've heard from other
10 people around the state, methane is a complete -- is
11 a very dangerous gas and they're building more
12 infrastructure, which will leak into the atmosphere.

13 And New York State is struggling -- is
14 on the early stages of finding out how big our carbon
15 footprint is. It's all based on self-reporting,
16 which has holes, as you know.

17 So, we're adding infrastructure that
18 is going to leak at some point and the -- it's --
19 it's -- and the low-income people are going to be
20 bearing the burden of this through -- through
21 increased costs. And the burden -- the annual
22 burden, you know, they have -- have help for low-
23 income people, through low-income customer assistant
24 -- affordability assistance program and the HEAP
25 Program, HARS.

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2 That total burden per year, to
3 National Fuel is eight point six million dollars and
4 in other documents on your website, they -- they
5 total the number of people receiving that as roughly
6 eighty thousand low-income people in Western New
7 York.

8 And so what's the burden, per person,
9 per year? It's a hundred -- it's around a hundred
10 dollars. You know, that's pennies -- that's micro
11 pennies on what they're earning and the eight point,
12 you know, hundred -- a hundred bucks, you know,
13 everybody in this room, I think could afford that. I
14 -- maybe not everybody, but most of us sitting here
15 could do that. You know, that's not a -- that's not
16 a real burden to National Fuel. They could -- they
17 could increase that easily.

18 And the salaries -- the total salaries
19 from Dave Bower to -- to Ron Tastanski (phonetic
20 spelling), who's the President, he gets close to five
21 million. You know, the totals -- the five people
22 total eleven million dollars and that exceeds what,
23 you know, the eight point six million dollars they
24 give to low-income people, you know. I mean, this is
25 -- that's -- that's a ridiculous ratio.

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2 So, no, you know, they need to step up
3 their help to low-income people. I mean a hundred
4 bucks per person is -- per year, is -- is -- is not
5 very much help, particularly, you know, when people
6 have to decide between heating and -- and food, you
7 know and you'll probably hear some of those stories
8 tonight.

9 All right. So, please deny the rate
10 increase.

11 Thank you very much.

12 A.L.J. LECAKES: Thank you.

13 Next I have Lucy Velez and afterward,
14 Christian Parra, Senior.

15 MS. VELEZ: Yes. Good evening,
16 everyone. I'm -- I am grateful that you are here to
17 hear us.

18 I want to turn sideways, only because
19 I want -- I don't want to give my back in disrespect
20 to anyone.

21 My name is Luc -- everybody calls my
22 Lucy Maria Velez. Okay. And I'm here also opposing
23 the rate hike.

24 I've been here before. I'm going to
25 continue to be here. Okay. I'm not going anywhere,

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2 despite the fact that if you can see behind me, I
3 have -- I have a display of over fifteen medications
4 that I either pay copay for or I have to pay out of
5 my pocket because I don't qualify for a whole lot of
6 different medical programs because I work two jobs
7 when I was healthy, and so my threshold for my
8 monthly income is exceeding the amount that helps me
9 to qualify for a lot of programs.

10 I'm grateful for the ones I have. I'm
11 grateful for being able to balance out what bills --
12 and I brought them because I actually did them today.
13 I have twelve bills that I have to pay on top of
14 medical expenses. I'm a single mother. Okay. I own
15 my home. At which time -- and you can verify those
16 medications. They're not duplicates. They're all
17 different and I have about seven comorbidity issues.
18 At which time, I shouldn't be here, but by the grace
19 of God, I am here and because I'm here, you're going
20 to hear me and you're going to hear me roar.

21 My point is that -- listen, a lot of
22 us are suffering. A lot of us are suffering
23 physically. A lot of us are going through mental
24 anguish because, you know, we can barely afford what
25 we're taking care of now.

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2 To be able to pay twelve bills -- and
3 these are the ones that made the cut. Okay. So,
4 when you think about and you look at that and then
5 I'm holding in my hand a nice envelope addressed to
6 Erie County Home Energy Assistance Program, so that I
7 can get help because I know that this winter is cold.
8 We live in Buffalo. This is something that we deal
9 with.

10 I mean, you live in Buffalo, you know
11 you're going to deal with the snow and the cold and
12 realizing that, we need to realize that of
13 indigenous, a lot of refugees, a lot of immigrant
14 people who have no voices, who are not here, I'm here
15 for them. Okay. I'm going to talk for them because
16 no one here can -- can -- can bring it out. A lot of
17 them are sick. A lot of them don't know that this
18 hearing is here and I'm grateful that you brought it
19 from Williamsville here because it was hard to get to
20 Williamsville and they didn't even know where
21 Williamsville was and that was way out of their reach
22 and I know that I was able to make it, thanks to the
23 people of PUSH.

24 But we have to recognize that a lot of
25 us may make the cut and may qualify and a lot of us

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2 wont. And a lot of us will not have the money to be
3 able to take care of our -- all our bills and we
4 won't be able to take care of all our medical needs.
5 Okay.

6 So, the bottom line is is that we have
7 to look at balance, we have to look at equity. Okay.
8 We have to look at the fairness of -- of me living in
9 my house and I roast in the summer and I freeze in
10 the winter because I have a Swiss cheese house
11 because when I bought my house, I didn't have a whole
12 lot of education with regard to what it was to buy a
13 house and whether it had insulation or not. I didn't
14 know anything about that. I just bought a house
15 because me and my kid needed a home and we were tired
16 of paying heat bills that were high and slumlords
17 that were taking advantage of us.

18 So, we looked at these things and we
19 look at how -- so many thousands of people in the
20 city of Buffalo who are going through the same thing
21 that I went through. So, I'm not talking about me.
22 I'm talking about them. Okay.

23 So, when I look at that, I say listen.
24 Okay. Maybe some people can afford it. Maybe it's
25 been years since there was a rate hike. I'm sorry.

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2 Okay. I don't make millions of dollars that I can
3 afford to say hey listen, well we didn't raise it
4 last year or two years before that, so therefore,
5 this is the year. Okay.

6 This is not my year and I'm not going
7 to make it my year to have to worry about whether I'm
8 going to be able to pay for my medications, pay for
9 the copays to see my doctor, pay all twelve or
10 thirteen bills, of which like I said, those were the
11 thirteen that made the cut. Okay.

12 And I also want to say that we have to
13 look at other resources. Okay. You know, National
14 Fuel has its policy with regard to clean reusable
15 energy. Okay. I'm saying look, we have proposals,
16 we have legislation that hopefully will pass soon,
17 where it will be a law. Okay. It will be a law and
18 you know what, either I pay now, but you guys may
19 have to pay later. Okay. Because the bottom line
20 is, is that you're not going to tax the sun. You're
21 not going to stop the wind. Okay. And you're not
22 going to stop us from letting you know the needs that
23 we have.

24 I also want to make it a point of
25 saying that I am Tyina Indian. I'm Porta Rican

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2 decent. I'm very proud of that.

3 All the Porta Ricans shout out hey.

4 AUDIENCE: Hey.

5 MS. VELEZ: Okay. But being Porta
6 Rican, I also want to let it be known that native
7 people, block toxic oil pipeline and we need to
8 recognize that native people, okay, their land is
9 being desecrated. Okay. Their land is being
10 desecrated for oil. Okay. They're going through
11 burial sites. They are polluting wells in a lot of
12 different areas. I've gone to many a meetings and
13 I've looked at people crying that their well system
14 is being polluted. Okay.

15 I'm looking at all the miners, okay,
16 in West Virginia. I'm not just talking Buffalo.
17 We're talking about the whole country and this is not
18 just a Buffalo issue.

19 But today, here, now, I'm against this
20 rate hike. I can't afford it. Heck no, we can pay
21 it and heck no, we're not going to pay it.

22 Thank you.

23 A.L.J. LECAKES: Thank you very much.

24 I have Christian Parra, Senior and
25 then next afterwards, I have Kevin Quinn (phonetic

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2 spelling).

3 MR. PARRA, SR.: I just want to say
4 that I'm a community organizer in the neighborhood
5 that is in need of weatherization in all houses.

6 Yes, there's programs that National
7 Fuel is trying to give to us and I understand that
8 can help some of those low-income communities. The
9 only thing is just that this is effecting the whole
10 entire, you know, community itself because there are
11 people that are paying three hundred dollars a month
12 for heat bills, due to the fact that they can't
13 qualify for these programs and it's not fair with the
14 average that they actually gave. I'm surprised it
15 does -- there's not a statistic board today, like
16 they had in Williamsville, saying that the whole
17 entire Buffalo's paying six hundred dollars yearly,
18 which was false because I asked them that day if
19 they're including your Amherst and clearance that
20 have geothermal and they said yes. And I said then
21 please have the statistics of the people that
22 actually qualify for HEAP and actually put that
23 statistic correctly because they're paying over two
24 thousand dollars a year, which is a total different
25 statistic.

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2 I'm actually upset because I was
3 expecting those statistics -- those statistics to
4 actually show that the people were actually paying
5 way more than they're actually trying to sell to the
6 Commissioner and it sucks that they're trying to sell
7 something. Like they actually start -- actually say,
8 you know, these are the people that are actually on
9 HEAP and make that statistic correct because this is
10 not fair to the people that's in these low-income
11 communities.

12 I also want to say that being in these
13 communities and you actually see the people, the way
14 they're living, it actually sucks because there's a
15 big language barrier in Buffalo. There's -- there's
16 people from all around the country and they're not
17 here today because when I'm knocking on the door,
18 they think I'm trying to sell them something. No.
19 I'm trying to make them aware of actually happening
20 in your community and it sucks that this is what's
21 happening in our community.

22 People need -- it's not fair to them,
23 paying this much money and to pay more money because
24 the seven point nine percent is actually going to be
25 a bigger percentage because if you were averaging in

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2 the people with geothermal, that are actually
3 increasing probably three percent and actually twenty
4 percent in these low-income communities, it averages
5 out to the seven point nine percent.

6 So, honestly, the hike should not
7 happen and it's not fair to these communities and I
8 hope that you do not vote for National Fuel to make
9 this hike happen.

10 A.L.J. LECAKES: Thank you.

11 Next I have Kevin Quinn and then after
12 that is Anthony Baney.

13 Is Kevin Quinn here?

14 Anthony Baney and then afterwards,
15 Avery Edwards.

16 Avery Edwards, come on up.

17 Oh, I'm sorry. Just a moment.

18 You are?

19 MR. BANEY: Anthony Baney.

20 Hello. My name's Anthony --

21 A.L.J. LECAKES: Okay. So, there is -

22 -

23 MR. BANEY: -- Baney.

24 A.L.J. LECAKES: -- no Kevin Quinn
25 here though, anymore?

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2 Okay. Proceed, Mr. Baney.

3 MR. BANEY: My apologies.

4 My name's --

5 A.L.J. LECAKES: Not a problem.

6 MR. BANEY: -- Anthony Baney. I'm
7 with the Erie County Green Party.

8 I just want to talk about the fact
9 that these rate hikes are just completely unfair on
10 the lower-income individuals. You know, there's been
11 cases where people have had to heat their homes with
12 kerosene and that's extremely dangerous. You know,
13 there's been deaths that have been reported from that
14 use. So, I mean, we really need to look at the
15 safety issues also that -- that -- that these hike
16 has on the lower-income individuals.

17 You know, also, you know, the fact
18 that the National Fuel makes billions of dollars is,
19 you know, really showing that this is unfair. You
20 know, I mean, they should be able to have in their
21 own reserve, the cost to pay for any of these
22 projects that they're undertaking, to continuously
23 add to the climate change that we have going on
24 currently.

25 That ain't right. Right. It ain't

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2 right. So, the people know.

3 So, we had a hearing in Williamsville.
4 You know, the National Fuel lawyers were there.
5 They're not here today, to talk to the people who are
6 probably going to be the most affected by this hike,
7 so that's really not fair either, you know. They
8 were present to talk to the people in Williamsville
9 who are -- tend to be more on the higher-income level
10 and are probably less likely to be having, you know,
11 more concerns. So, I don't think that's really fair
12 at all. They should've been here tonight, to answer
13 to the people who have concerns about their gas bills
14 going up. That just seems logical to me.

15 And when I talked to the National Fuel
16 lawyers, they were very disingenuous with the answers
17 they were giving. They had a projection screen on
18 the top and they had all this information, but when I
19 asked them a simple question if they would save money
20 if they replaced service lines in lower-income
21 neighborhoods, they said we didn't have that
22 information. You had a laptop in front of you. I
23 mean, you have -- you have all the answers in the
24 world to how you can justify a rate hike, but you
25 can't justify anything that -- about how to actually

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2 solve the problems of service in this -- in this --
3 in -- in this community. That's not fair. And I
4 remember you were there and you had threatened to
5 remove an attorney because he had asked people in the
6 public if they had supported the rate hike.

7 This is ridiculous. This is
8 completely ridiculous. It shows the fact that our
9 government continues to suppress people who are
10 trying to fight back and it is unfair. It is unfair.

11 And we -- we -- we -- we need -- we
12 need to have alternative energy. We don't need a
13 dehydration center in Pendleton to help get the water
14 out of the oil that we're bringing up from the
15 fracked gas. We don't need that out there. We don't
16 need that.

17 We need solar panels on the houses in
18 the west side. We need geothermal. We need solar
19 and wind. This is what we need. This is what we
20 need. We need that by 2025. We need that as soon as
21 we can honestly. Let's be real here.

22 We have a climate crisis. They're
23 doing investigations up in the Antarctic that are
24 finding that warmer water is just bringing ice
25 shelves in to the sea. It's going to raise the sea

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2 levels.

3 We need to be responsible with our
4 future. Okay. This is ridiculous that I even have
5 to stand here and talk to you guys about this.
6 Honestly it is. It's ridiculous and I really just
7 don't have anything else to say. So, let these
8 people talk to you, too.

9 A.L.J. LECAKES: Mr. -- Mr. Edwards?

10 MR. EDWARDS: Wow.

11 Oh, excuse me. How you guys doing?

12 My name's Avery Edwards. I'm a junior
13 at Buffalo State College.

14 You know, thanks for have -- thank you
15 for having me here. I pretty much found about this
16 meeting, basically through someone involved in PUSH
17 Buffalo. It was John Rushton (phonetic spelling), if
18 he's -- I don't know if he's here or not.

19 Thank you.

20 Pretty much I'm here on behalf of
21 students. I'm involved with a few different
22 organizations in the community. I'm -- I'm a board
23 member of the Western New York Peace Center, Vice
24 Chair of that organization. I actually am on the
25 Board of Directors of the Western -- I mean, the New

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2 York Public Interest Research Group. Yeah, yeah,
3 yeah. Also on the Board of NAACP and I'm on-campus
4 assistant secretary.

5 But we just feel like -- I'm -- I'm
6 speaking on behalf of myself, but I want to represent
7 like a lot of the youth because I'll be twenty on
8 Monday and I feel like a lot of us don't really know
9 that this increase is even a proposal. So, I had to
10 come out of my way to come here and just express like
11 how -- how I feel.

12 I feel like you guys should reach to
13 the -- to the youth more. Pretty much let them know
14 because they're going to be paying the bills soon,
15 too. I mean, I already pay bills, but like they're
16 going to have to pay bills after college and stuff
17 like that.

18 People within like the urban core
19 especially in Buffalo, are going to have to suffer
20 the most from this -- this proposed rate, this
21 increase and I just feel like that's -- that's really
22 -- that's bad because like the people suburb area,
23 outside of Buffalo, they will not face, like the
24 consequences as much as the people within the city.

25 So, I just came to -- I just think

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2 it's -- it's crazy that they want to increase four
3 point one seven million to go to this -- this -- this
4 plan or whatever. That's a lot of money that we
5 could be using towards, you know, other alternative
6 energy sources and just -- just -- just -- I'm not
7 going to take too long, but I just want to say thank
8 you again for having me up here, you know,
9 Commissioner Burman and, you know, Judge LeCakes.

10 All right. Take care good.

11 A.L.J. LECAKES: Thank you.

12 I now have the other cards, so I have
13 Nora Mikes up next and Maria Malinowski afterwards.

14 MS. MIKES: Hi. My name is Nora
15 Mikes.

16 I'm kind of new to this issue -- newer
17 to this issue than most of the speakers you've had so
18 far today.

19 Is that better? Yeah.

20 Okay. I'm new to this issue, so I
21 just wanted to make sure that I understand it.

22 Do I understand correctly that
23 National Fuel is asking for a rate hike, so they can
24 take natural gas that fracked in Pennsylvania and
25 transport it to Canada? Is that to -- this

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2 infrastructure --?

3 A.L.J. LECAKES: Actually, the -- the
4 -- the purpose of the hearing is for the rate hike
5 for the distribution for gas service that National
6 Grid filed. This has nothing to do with the Northern
7 Access Pipeline. That's a completely different case
8 and isn't involved in -- in -- it's actually a
9 different company. It's -- it's a -- a subsidiary of
10 the company that's requested the rate request in this
11 case. So --.

12 MS. MIKES: So, the rate hike would be
13 paying for what exactly?

14 A.L.J. LECAKES: Okay. Well, this is
15 a public statement hearing tonight, so it's the
16 purpose of coming in to give public statements about
17 the -- the rate increase. It -- it's not a question
18 and answer session.

19 I'm a -- I'm a Law Judge that is
20 presiding over the collection of public comments and
21 -- and hearing officers. Commissioner Burman is one
22 of the people that's going to be making the final
23 decision.

24 We don't have the -- the --

25 MS. MIKES: Capacity to do

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2 informational.

3 A.L.J. LECAKES: -- the -- yeah.
4 Information --

5 MS. MIKES: Yeah.

6 A.L.J. LECAKES: -- that you need.

7 MS. MIKES: But it is to pay for
8 infrastructure?

9 A.L.J. LECAKES: It's -- it's to pay
10 for -- and -- the -- the proposal that NFG made is to
11 pay for infrastructure improvements as well as
12 increased labor costs and a whole lot of other areas,
13 including low-income program enhancements, but also
14 other areas.

15 I mean, it -- it -- it -- it's -- it's
16 the pretty -- as pointed out by some of the
17 commenters, that came in the beginning of the -- the
18 case, it -- it was a voluminous filing that is
19 difficult to parse in -- in a few minutes. There is
20 an information sheet outside on the table, that
21 provides more explanation about that.

22 MS. MIKES: Okay. So, is it proposed
23 to be permanent or temporary?

24 A.L.J. LECAKES: Again, this is not a
25 -- a -- a -- the -- this is not a time for a question

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2 and answer session. This is a time to take -- to
3 make public statements about the -- the effect of the
4 increase or about whether you're, you know,
5 supporting it or against it.

6 MS. MIKES: All right. I'm against
7 it.

8 A.L.J. LECAKES: Okay.

9 MS. MIKES: Yeah.

10 A.L.J. LECAKES: I don't think the
11 public should paying for that while the profits are
12 being privatized. That isn't capitalism.

13 UNIDENTIFIED SPEAKER: Omitted the
14 information session and --

15 A.L.J. LECAKES: I did not --

16 UNIDENTIFIED SPEAKER: -- decided --.

17 A.L.J. LECAKES: -- I did not omit the
18 inner --

19 UNIDENTIFIED SPEAKER: Oh.

20 A.L.J. LECAKES: -- information
21 session. I -- I do not control that.

22 The information session was omitted by
23 other people at the agency because this case has
24 proceeded to a point beyond where hearings have been
25 held now and it was considered an ethical violation

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2 to have the NFG personnel giving a -- a -- a
3 presentation and a question and answer session, when
4 other parties have not only produced testimony in
5 this case, but have also had hearings on the
6 testimony and are now involved in settlement
7 negotiations.

8 With the Commissioner here and the
9 presiding Hearing Officer here, it was considered to
10 be a -- a -- an opportunity and -- and an unnecessary
11 and unethical opportunity for the companies to engage
12 in lobbying, without other organizations here to be
13 representative. That's why the information session's
14 not being held at this point.

15 The other hearings were held earlier
16 in the case and that's why the information session
17 was acceptable then. I did not make that decision.

18 UNIDENTIFIED SPEAKER: Oh, okay.

19 A.L.J. LECAKES: Again, this is a
20 public statement --

21 UNIDENTIFIED SPEAKER: I know.

22 A.L.J. LECAKES: -- hearing. I am a
23 presiding officer. We have a Commissioner here.

24 Yeah. You know, I can read what I --
25 I wrote before because there are, as Commissioner

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2 Burman has pointed out, a lot of people who didn't
3 come here at the beginning of the session. So, I can
4 -- I can go through the presentation -- the brief
5 presentation that I made, but it's only about the
6 process and -- and what's going on, but I'd be happy
7 to do that again because that might answer some of
8 the questions that are coming up now.

9 So, okay. This is what I -- I
10 mentioned before. I said that before we start taking
11 the statements, I'll explain a bit about the process.

12 In April of 2016, NFG filed a request
13 to increase its annual gas delivery rates by
14 approximately forty-one point seven million dollars.
15 The amount that they requested would be collected
16 from all of NFG's customers in New York State.

17 After NFG made its request, I held a
18 procedural conference in Albany in June, to establish
19 a schedule for this case. Other parties representing
20 different interests, including residential and low-
21 income customer's concerns, as well as business and
22 industry customers, attended the conference.

23 At the end of August, all those
24 parties filed documents providing their own analysis
25 of NFG's request. Staff from the Department of

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2 Public Service, which is the companion agency -- or
3 the company agency to the Commission, recommended in
4 their testimony that NFG be given only a one point
5 eight million dollar increase from the company's
6 existing rates.

7 During the process, we also held the
8 public statement hearings, as people are -- are
9 recalling, in -- on June 28th, in Williamsville and
10 then again on June 29th, in Jamestown.

11 On October 5th, 6th and 7th,
12 evidentiary hearings were held in Albany, New York
13 and they were attended by all parties. At those
14 hearings, the parties were able to cross-examine the
15 witnesses of the other parties and a transcript of
16 that hearing, which is online at the Department of
17 Public Service website has approximately two thousand
18 seven hundred pages of testimony. In addition to the
19 testimony that was provided, there are over three
20 hundred and thirty exhibits.

21 Right now, I am in the process of
22 writing a recommendation to the Commission, based on
23 the October hearings and these public statement
24 hearings, the ones that were held in June and the one
25 that's being held here tonight, as well as any other

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2 public comments that are received through the
3 different ways that you can provide your comments to
4 the Commission.

5 This is a fact sheet that's available
6 out on the table in the foyer, that explains the
7 other ways to comment.

8 While all of this has been going on,
9 on Thursday of last week, NFG filed a notice that it
10 was going to pursue settlement discussions in this
11 matter, to see if -- that they can -- to see if they
12 can propose a cooperative resolution with the other
13 parties. Those parties have met once and as far as I
14 know, they continue to plan meet -- to meet.

15 If a settled resolution is eventually
16 proposed, then my job would then become to make a
17 recommendation on that party's agreement. Until that
18 happens, I am now reviewing everything that has been
19 received so far and trying to make a recommendation
20 based on the October hearings. Once that
21 recommendation is made, it's passed on to
22 Commissioner Burman and all her colleagues at the
23 Commission, of which there are three others right
24 now, so a total of four and they would make a final
25 decision on NFG's rate request.

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2 That's where we are in the part of the
3 process right now and to the extent that people wish
4 to comment and would rather comment in one of the
5 alternative means, rather than being here tonight, to
6 get your comments in timely, so that they can inform
7 the record most beneficially, it would be best if you
8 could get those in by the end of this year.

9 UNIDENTIFIED SPEAKER: Thank you, your
10 Honor.

11 A.L.J. LECAKES: You're very welcome.

12 Next I have John Buckley to speak --
13 oh, I'm sorry. Yes.

14 We have --

15 MS. MALINOWSKI: Marie --

16 A.L.J. LECAKES: -- Marie and then
17 after Marie, we have John Buckley.

18 Go ahead.

19 MS. MALINOWSKI: You know, I want -- I
20 -- I want to thank you for having me here today.

21 I'm -- I'm a very angry person right
22 now because my boyfriend has diabetes and he has to
23 go for kidney transplant and I can't put my heat up
24 to keep him comfortable and keep him warm enough. He
25 looks like somebody wrapped around like an igloo.

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2 He's -- we got to put an igloo in my house to keep
3 him warm.

4 Right. You know what I'm saying to
5 you?

6 And he takes a lot of medicine and if
7 anybody here has diabetes they feel that, right? And
8 he has to go for dialysis.

9 I'm comfortable, but I can't put my
10 heat up past sixty-two because I'm afraid my bill's
11 going to go up. I'm on budget balancing. I'm -- I --
12 -- I feel like I'm one of those low-income people that
13 you all talking about. I have to pay your price
14 because I had -- can't afford a hundred and fifty
15 dollars a month and I feel like I'm being punished
16 for that.

17 You know, I have -- you know, I have a
18 disability myself. I have arthritis. I have all
19 these things going on with myself and if I have going
20 -- all this stuff going on like that, that means I'm
21 cold as well. But my boyfriend's sick and he'll
22 never get better till he gets the kidney transplant
23 and still then, who knows what's going to happen.
24 I'm just so afraid he's going to get so cold that it
25 -- it -- he could get pneumonia. He's been -- that

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2 happened before. He got pneumonia because it's so
3 cold in the house. I can't keep my house - - heat on
4 any higher.

5 It -- it's -- it's -- it's a lot -- a
6 lot of energy it takes to do that, you know, and we
7 got people that -- I represent for people -- not only
8 PUSH, but -- oh, Voice Buffalo, people with
9 disabilities, you know, people that have apartments,
10 anytime they get raised up, their rent -- their rent,
11 that's because of heat -- the heat.

12 Yes. I am grateful for HEAP, but four
13 hundred dollars a month is not enough. It's not
14 enough.

15 You know what, and that's one time.
16 In the meantime, that four hundred dollars, I can't
17 pay a lot of my bills and if something happens
18 dreadfully to my boyfriend, I have no way to bury him
19 because he'll freeze to death because I can't keep
20 the heat on and that ain't no joke. That -- that's
21 something serious and that angers me because I'm a
22 responsible person. I pay you guys -- I can't pay a
23 credit card because I pay you guys.

24 A.L.J. LECAKES: I have John Buckley
25 and then afterwards I have Elizabeth Jorgeson

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2 (phonetic spelling).

3 MR. BUCKLEY: Hi. I'm not sure if
4 this is -- so, thank you. All of you here, thanks
5 for coming out.

6 And it's -- it's a real vital time
7 right now on our planet with global warming happening
8 and I -- I think it's incredible that we're still
9 trying to build infrastructure to increase the -- the
10 burning of fossil fuels. It's -- doesn't make sense,
11 scientifically, you know, if you're thinking about
12 the planet.

13 If you're thinking about your company
14 making a lot of money, you know, that -- that's their
15 bottom line, it's the narrow-minded thinking. But as
16 -- as a -- as -- as a people, we need to start
17 thinking about the planet. We -- we can't be
18 thinking about individual profits.

19 And National Fuel is -- or -- or one
20 of their subsidiaries is spending over four hundred
21 million dollars building infrastructure from their
22 fracking wells in Pennsylvania and going up to -- to
23 go underneath the Niagara River, up to Canada. They
24 obviously have a lot of money.

25 The -- we do not need to subsidize

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2 them. They -- they make plenty of profit. They are
3 guaranteed a profit and they don't need to, you know,
4 suck the -- the life out of our community to -- to
5 increase their profits and -- and they -- like it --
6 it -- it's been mentioned before, for the last forty
7 years or so, they've been able to, you know, pay all
8 their stockholders' dividends. You know, they --
9 they're making huge profits.

10 They just increased the -- the salary
11 of their CEO I think it was tripled recently. They
12 don't need a -- a -- a rate increase.

13 The -- when -- the last time National
14 Fuel was -- asked for a rate increase, Public Service
15 Commission asked them to do a conservation incentive
16 program, National Fuel responded by adding a
17 surcharge to our bills, raising an extra ten million
18 dollars for themselves to spend on this program and
19 then they used that money to run TV ads promoting
20 themselves and -- and offering high -- discounts on
21 high-end appliances.

22 As a member of PUSH Buffalo, I'm --
23 I'm a board member of PUSH Buffalo and we -- we went
24 in -- we tried to talk to National Fuel. They
25 refused to speak with us. Then we spoke with the

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2 Public Service Commission. We advocated for whole-
3 house weatherization for low-income homes, which, you
4 know, that's -- that's the logical, you know,
5 scientifically-based way to conserve on -- on fuel,
6 especially here in Buffalo, where we have some of the
7 highest bills in -- in the country and homes are
8 highly inefficient. So, poor people are paying, you
9 know, really high gas bills. So, if we really wanted
10 to conserve on -- on gas, we need to invest in -- in
11 whole-house weatherization of low-income homes.

12 We also need to, you know, in the
13 state and in this country, we need to start investing
14 in clean energy. The -- this is in -- insane to be
15 investing in a -- in a fossil-fuel company that
16 already has a guaranteed profit and expecting us to
17 pay for more of their profits, at the time destroying
18 our planet by increasing the amount of carbon dioxide
19 in -- in our atmosphere.

20 I'd also like to point out that
21 National Fuel -- a -- a lot of people think that --
22 that HEAP comes from National Fuel. It doesn't.
23 That's our tax dollars that -- they go to pay for
24 that and then that money goes back to National Fuel.

25 I know of -- of a few companies, when

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2 one of their customers stiffes them, the -- the
3 government steps in and say oh, I'll pay that bill
4 for you. So, National Fuel, I think, is -- is making
5 out really well on -- on that end of things.

6 But overall, I just want to say that
7 we don't need to -- to give this -- this rate
8 increase. We need to encourage National Fuel as --
9 as a large corporation and an energy giant, should be
10 investing in alternative forms of energy. You should
11 be investing in renewable energies. I -- I don't see
12 that happening. I see them raising their -- their
13 CEO's pay. I don't even see them, you know,
14 advocating for whole-house weatherization.

15 So, I -- I'd like to see this denied.

16 Thank you.

17 A.L.J. LECAKES: Thank you.

18 Elizabeth Jorgeson?

19 Sage Green and then Jason -- can't
20 read the last name, but it begins with an M, I
21 believe it ends with a G.

22 So, Sage?

23 MS. GREEN: Hi. My name's Sage Green.
24 Hi, everybody.

25 Okay. So, I tried to get as prepared

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2 as I can. I got off work, I work at PUSH. I'm a
3 solar-energy advocate at PUSH. Before that, I worked
4 in the weatherization programs.

5 And I went to -- I grew up in Buffalo,
6 went to Buffalo Public Schools. Went away to
7 college. I studied Urban Planning at Brown and I
8 came back here to work.

9 So, there are a couple people in this
10 crowd today, who are going to say some really, really
11 awesome things. I -- picking out the issues that
12 everyone in this neighborhood, in these areas, which
13 is small, little Buffalo -- in what people might
14 think is small, little Buffalo where there -- people
15 are aware enough to pick apart this proposal that was
16 made by a company that is claiming to need to pay its
17 executives even more than they currently are and so
18 there are a lot more issues there, but I'm going to
19 rely on them to talk about why it doesn't make sense
20 to just fund -- to -- why it's not a sustainable
21 place to put our money in, in funding a company that
22 is not dealing with their profit margins in an
23 equitable way.

24 They're not -- if I were looking at a
25 portfolio in order to invest in something, or if I

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2 was making a decision as a mother, about what I
3 should spend my money on, there is no logic to why
4 spending -- by asking the people who have the least
5 money to pay for these problems is going to help us
6 have strong utilities going forward.

7 So, I'm going to rely on them for that
8 and say my peace about how the Public Service
9 Commission is an entity that I really respect. I
10 think that you guys -- the -- the idea that we have
11 in a -- in a society and a capitalist structure that
12 we have right now, that we have an entity that is
13 supposed to be our line of defense as individuals for
14 things like utility companies and everything else
15 that you guys regulate and work with, I think is a
16 really amazing thing about our current political
17 structure, that you guys can do what you do.

18 You guys are our last line of defense
19 for situations like this and I know that you know
20 that. As someone who -- I work in solar, as I said
21 and before that, I worked in weatherization and I
22 know what it looks like right now, on the ground for
23 individual ratepayers to try to make the decision and
24 fix -- pull themselves out from under a transitioning
25 economy that isn't -- it's not our fault the gas is

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2 not going to be as efficient and it's not going to
3 work anymore, but it's the situation.

4 It's not our fault that it's getting
5 more expensive. I can't, as an individual, change
6 that on a daily basis, to make fossil fuels make more
7 sense. The -- the most that an individual can do is
8 try to change their lifestyle.

9 But there -- it -- I've seen solar
10 systems. I've installed better heating systems in
11 people's houses. I've weatherized them. I've gone
12 through all of the programs. I know how the programs
13 work. I know how the programs are funded. I know
14 who qualifies for what, when. I know how geothermal
15 works in different areas, where there are only a
16 certain number of drills and they're owned by certain
17 people who can charge whatever they want to do it and
18 there's no way that those things that people work
19 really hard for are told, okay, you can't pay for it
20 well then here, work one of these programs, try to
21 change these things on your own. It's not fast
22 enough to make a difference and it's not going to be
23 fast enough in time.

24 I get there's sort of an argument that
25 says if you make gas more expensive, it takes the

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2 pressure off of the individuals -- or it takes the --
3 it put the pressure on green economies to sort of
4 figure out new solutions for people. If that's an
5 argument for why we should raise or allow gas prices
6 to raise, you are gambling with the lives of a whole
7 generation of people who are just getting in to the
8 world and that didn't create these problems and yet,
9 they're going to deal with them and if what they grow
10 up in is debilitating utility bills every month that
11 no one can pay, you -- that -- that's the kind of
12 social change that will rock the country for years to
13 come and that's where the -- the PSC is something
14 that can actually make a difference.

15 And so I -- I know that there are
16 enough people here today, in this one place in
17 Buffalo -- in the Buffalo Public Library and in
18 Albany and in the positions that you have and to --
19 and the organizations that are organizing against
20 this, that can prove why this is an issue and why if
21 this were ever to make any sense, it would have to be
22 a renew -- an investment in sol -- in renewable
23 energies. It would have to include job placement and
24 job training and job -- green job economies for the
25 communities that it's beholding to. Both of which

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2 are things that as people have said already, when we
3 directly asked National Fuel, are you going to be
4 hiring people for this, they said no, we're going to
5 keep it in-house. That's -- if there is no provision
6 for those things whatsoever, none of this makes any
7 sense.

8 And so, that information is there and
9 so for me, it kind of comes down to what is the PSC
10 going to do in terms of protecting the people that
11 you are sent here to protect and I think there's a --
12 I think this is the moment that you get to do that,
13 or you get not to and I don't actually think you guys
14 want to make this bad. I think that there are
15 solutions here and I know that we can't change the
16 entire system overnight, but this is one of those
17 decisions that can happen for years later, or years
18 after and years after and change the lives of
19 individuals in a city like Buffalo and so many
20 others, forever afterwards.

21 So, I'm asking you to make the
22 decision that everyone else is proving is right and
23 work with us going forward on how to make this work
24 down the line, even though I know it's a hard
25 decision to make and saying no to National Fuel is

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2 hard, but it's going to have to happen somewhere and
3 you guys are the ones who have the power to do it.

4 So, thank you.

5 A.L.J. LECAKES: Thank you.

6 The next name I have is Jason and it's
7 M-I -- Missing, may -- Ming, something. Is there a
8 Jason here?

9 All right. Annie Cruz and then Lia
10 Oprea.

11 Annie Cruz?

12 MS. CRUZ: This person -- I want -- I
13 want to look at the --.

14 Now, we did say -- we did some custom
15 -- I'm -- I'm calling myself the most wanted. I say
16 hello -- hello to all my friends. I am the most
17 wanted. I am the board member from PUSH from the
18 last ten years. I am very proud to be here today,
19 enjoying this group, with all of you.

20 I said to Mr. David -- this is my best
21 smile for you. Don't forget -- don't forget about
22 it.

23 I got a question for you. Where is
24 the respect and dignity that you have -- that you
25 should have for your city, when you -- when you know

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2 Buffalo is the third city in the country -- in the
3 fifty states, most poor in the country?

4 You hack -- you hack in the pocket of
5 the -- all families in Buffalo. This is -- these
6 families in Buffalo are in the struggling economic
7 programs. Why you have to be to the poor families,
8 to pay the price? Why you don't use your money?
9 Money hungry I call you. I am the most -- the most
10 wanted with my custom because you are the most cynic
11 (sic) person in Buffalo.

12 You are -- you, sir, for you to get
13 rich, this is poor people are -- this is -- peoples
14 are people, too. These poor people in Buffalo is --
15 are the people, too and I say pay attention -- Brown,
16 the Commissioner of Buffalo, Barack Obama and the
17 federal government, with this type of person.

18 And I want to tell very softly, I want
19 you to be here. I want you to see your face. I want
20 you to see your smile, but wish you a different
21 heart. I want you to see this person, with different
22 heart. I want to see you with a different heart.

23 A.L.J. LECAKES: Thank -- thank you.

24 I have Lia Oprea and then Dawn Rounds
25 (phonetic spelling) next.

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2 MS. OPREA: Okay. Hi. My name is Lia
3 and I run a group representing landowners against the
4 pipeline of Wyoming, Erie, Cattaraugus.

5 The most landowners that I represent
6 are down along the Cattaraugus Creek, which is in the
7 Cattaraugus Creek Basis, sole-source aquifer. We're
8 farmers. We're fisherman. We're landowners and
9 communities down there and we come up here for the
10 rate hike because in researching, when we found out
11 about the rate hike, we know about the forty -- four
12 hundred and fifty-five million dollar pipeline. A
13 fracked gas pipeline from Pennsylvania to Canada.
14 It's not even going to the U.S. This is a National
15 Fuel project.

16 When we heard about the rate hike, we
17 wanted to know why. So, I did a little more research
18 and I found out even bigger and I'll connect the dots
19 here.

20 OPEC, the Organization of Petroleum
21 Exporting Countries has called for gas and oil
22 companies to slow their production. They're not
23 making a profit right now because we had an unusually
24 warm winter last winter and the prices of gas and oil
25 are at fifty dollars a barrel and for them to make a

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2 profit, they -- it needs to be at sixty dollars a
3 barrel.

4 Okay. Connect the dots here. Our own
5 New York State Attorney General, Eric Schneiderman,
6 he's called an investigation in to Exxon, saying
7 Exxon, you've known about your emissions -- gas and
8 oil emissions, pipelines, whatnot, contributing to
9 climate change for thirty years now and we want to
10 see those emails. We want to see that information
11 and we want to know why the very climate change that
12 you have contributed to, causing warmer winter,
13 causing lower profits for you, is now being turned in
14 to rate hikes for those of us who can't afford it.

15 So, let's connect the dots along the
16 rivers. Let's connect the dots from OPEC down to
17 National Fuel and we understand that National Fuel's
18 a business. We understand that a business is to make
19 money. We get it, but National Fuel, you don't get
20 to make that profit with fracked-gas pipelines
21 endangering the health of our communities and
22 children, polluting our rivers and drinking water and
23 you won't make that profit, by raising our rates.

24 Thank you.

25 A.L.J. LECAKES: Thank you.

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2 Next I have Dawn Rounds.

3 Maxine Murphy?

4 After Ms. Murphy, I have Lorna Hill.

5 MS. MURPHY: Good afternoon.

6 As I look over the audience, it does
7 not represent all the people who's going to effected
8 by this work -- rate hike. I represent the religious
9 order in Buffalo, the Mosques, the Synagogues, the
10 Temple and just poor people as a whole.

11 We live in a community where that I --
12 I attended a meeting the other day. There are two
13 thousand homeless youth in the city of Buffalo and
14 that means that they are hungry, they are cold, that
15 are staying from one way to another. How many
16 shelters does Buffalo have for the youth? One, that
17 houses twenty and we're talking about two thousand
18 homeless youth.

19 The saddest thing that I saw the other
20 day, it was a young lady huddled up on Niagara
21 Street, eating from a container because her family
22 couldn't afford to pay a gas bill. Buffalo have some
23 of the oldest housing stock and they are nothing but
24 Swiss cheese.

25 So, when we think about raising a

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2 hike, think about that retired grandmother who
3 retired from Buffalo General, where she was making
4 fifteen hundred dollars every two weeks. Now, she's
5 making that in one month and she's trying to keep her
6 house up because she got to pay garbage fee. She got
7 to pay user fees and -- and all these other bills.
8 And -- and plus, most of all, she got to pay her
9 medical bill. She got to choose between can I stay
10 warm.

11 I go in homes with our elderly to do
12 ministry and they are bundled up. A couple that's
13 got a new built house on a particular street and they
14 are -- we went there to serve communion and it was so
15 cold because she said if I cut it up, if I turn this
16 thermostat up, although her husband is in a
17 wheelchair, they are both in their eighties. They
18 shouldn't live that way when they done worked all
19 their lives.

20 So, all I'm saying is what effect
21 would this increase have upon the elder -- upon the
22 religious order of Buffalo, is a -- which is on
23 Seymour, have some of the oldest priests and their
24 building is so old and they are living there and they
25 keep on their coats and hats, even while they're

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2 eating. So, we're saying that's not right. So, a --
3 a rate hike is -- would decimate them to the point of
4 closing doors. They have already closed some temples
5 and churches because they couldn't afford it.

6 I was talking to someone today. She
7 was saying how cold it was in her temple when she
8 went there on Sunday and she had on a sweater and a
9 scarf. Well, all I'm asking is think about the
10 effect of -- are we going to choose profit over
11 people, or should we say can I look at my mother and
12 grandmother and grandchildren and think about those
13 who look just like them, but can afford no heat.

14 So, as they make this here thirty-two
15 hundred dollars an hour, there are some people in our
16 community don't even make that per month. Forget
17 about per week, per hour. We're talking about
18 monthly.

19 So, all I'm saying is if -- I'm
20 representing all these invisible people that you
21 don't see.

22 Thank you.

23 A.L.J. LECAKES: Thank you.

24 Lorna Hill and then after Lorna, I
25 have Barrett Gordon (phonetic spelling).

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2 MS. HILL: Thirty-six years ago, I
3 slept in front of a wood-burning stove -- stove with
4 my four-year old son in my arms because I had to make
5 the choice between paying National Fuel and paying my
6 mortgage. I'm proud to say I paid my mortgage and
7 I'm still in that house and I'm sixty-five years old.

8 But I'm asking you not to force me to
9 sleep on the floor again because at sixty-five, as a
10 cancer survivor, suffering with severe rheumatoid
11 arthritis, cervical spinal stenosis and good old
12 osteoarthritis, it's just more comfortable in the
13 bed. I think that's a basic fact.

14 I'm asking you -- no, I'm begging you
15 to not force us to participate in moving fracked gas
16 from Pennsylvania to anywhere. I don't care where
17 it's going. It's poisonous. It's a poisonous
18 process and I'm asking you not to force us to
19 participate in something that we disagree with on
20 moral and ethical grounds.

21 And I know that you do not regard
22 yourselves as the moral arbiters, the -- the -- the
23 responsible for deciding what is ethical or
24 unethical, but we are. We represent the taxpayers,
25 especially the poor in this community and we're

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2 telling you that this is immoral.

3 You know, as well as we know, that
4 National Fuel spent a great deal of money. It
5 doesn't matter how much money, but a great deal of
6 money last year, providing bonuses for people who are
7 already wealthy beyond our wildest dreams.

8 I'm asking you to go back to those
9 people and tell them, next time you have millions and
10 millions and millions of dollars to spend, spend it
11 the way poor people have to spend it.

12 My twenty-five year old daughter lives
13 in a Swiss cheese house in Black Rock. If she came
14 to me tomorrow and said Momma, I need three hundred
15 dollar for the gas bill and she's standing in front
16 of me in a brand new dress and brand new shoes and
17 got a brand new weave, I'm not giving her three
18 hundred dollars.

19 You tell National Fuel to sell that
20 dress, sell those shoes and get used to having nappy
21 hair because we're not going to do it for you.

22 A.L.J. LECAKES: I have Barrett
23 Gordon.

24 Richard Ford?

25 After Richard, I have Robert Murphy on

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2 deck.

3 MR. FORD: Your Honor, we understand
4 that you and Commission have a very difficult
5 decision to make.

6 On one side, three of the best lawyers
7 that could be found, came to you to present their
8 case, for not only continuing the very high existing
9 customer charge, but for increasing it by twenty-six
10 point five percent.

11 Your Honor, we understand that judges
12 usually make decisions based on precedence and the
13 utility companies have fifty years of precedence on
14 their side. For fifty years, they've been allowed to
15 charge these people are higher price per CCF for
16 delivery of their gas, than they charge people who
17 own mansions. For fifty years, they've been allowed
18 to penalize any customer who conserves energy. For
19 fifty years, any -- for fifty years widows and
20 widowers would use less energy after the death of
21 their spouse and having been given an automatic
22 increase in their delivery price per CCF Precedence
23 is on the utility side, your Honor, but -- but
24 justice is not.

25 On the other side, one hundred percent

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2 of these witnesses, have come just asking you for
3 justice. They're tired -- tired of struggling to pay
4 for both heating and eating, while customers who with
5 very, very large houses, use over five thousand CCF a
6 month, are given a seventy-three percent discount in
7 their delivery price per CCD. Even people who do own
8 mansions don't deserve to be penalized for anything
9 they do to conserve energy.

10 People United for Sustainable Housing
11 is trying to help weatherize houses and save energy.
12 It's hard to pay for both energy conservation and the
13 National Fuel Energy Conservation penalty.

14 There is one precedent that points
15 toward a -- a reform and how gas bills are
16 calculated. In the case of New York State Electric
17 and Gas, the Commission rejected my proposal to
18 abolish the customer charge and ruled that the
19 customer charge should be based on the principal of
20 causation.

21 There are some costs which can be
22 legitimately attributed to individual customers, such
23 as the -- the cost of -- of reading the meters. In
24 the NYSEG case no one had calculated what the
25 customer charge should really be according to that

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2 reasoning, so the Commission just assumed that the
3 existing customer charge was a fair compromise.

4 In this case, with Natural (sic) Fuel
5 Gas, we have some actual figures. National Fuel Gas'
6 own testimony at the evidentiary hearing, October
7 6th, confirmed that the average maintenance cost for
8 meters and regulators is seventy-five cents per month
9 and the meter-reading cost is forty-six cents per
10 month. Adding the capital costs for meters and
11 regulators, that's a legitimate gap -- customer
12 charge, up to three dollars and thirty-eight cents
13 per month.

14 The testimony of Mr. Eric Meidl of
15 Natural (sic) Fuel Gas in the evidentiary hearing was
16 that there are no other costs related to the number
17 of meters on that system. A legitimate customer
18 charge of three dollars and thirty-eight cents per
19 month, shows a need for a seventy-eight percent
20 reduction in the existing customer charge.

21 The customer charge of three dollars
22 and thirty-eight cents per month, would still be in
23 violation of New York State's New Energy Policy,
24 called Reforming the Energy Vision, which calls for
25 the elimination of disincentives for energy

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2 conservation. Elimination of the customer charge
3 would do most -- the most to -- to encourage energy
4 conservation and do the most to help the lowest-
5 income customers.

6 Your Honor, as you and the Commission
7 ponder your decision on the customer charge, the
8 alternatives before you include one, elimination of
9 the customer charge, which would be the best policy
10 for the future. Two, a customer charge of three
11 dollars and thirty-eight cents per month, which would
12 follow the precedent and the principal of causation.
13 Three, continuing the existing customer charge of
14 fifteen dollars and fifty-four cents per month, which
15 would perpetuate the existing injustice of three more
16 years. And four, approve Natural (sic) Fuels
17 preposterous request for twenty-six point five
18 percent increase.

19 Another subject that comes up at
20 decision time is what is a fair compromise. Your
21 Honor, we realize that the wheels of government turn
22 slowly. Some are already agreeing to a gradual
23 flattening of the declining block structure.

24 National Fuel has proposed reducing
25 the discount for gas usage, over fifty CCF, from

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2 seventy-three percent to seventy percent. The
3 Utility Intervention Unit recommends reducing the
4 discount to sixty-nine point seven percent in the
5 winter and sixty-seven percent in summer. If
6 everyone agrees that flattening the rate structure is
7 the right thing to do, then please do it now.

8 For some people this would be a
9 change. But you -- could you look Mrs. Velez in the
10 eye and tell her she has -- has to pay a higher price
11 for three more years, so that people who own mansions
12 will have three years to get adjusted to paying the
13 same price that she pays?

14 With a customer charge, people are
15 also backing away from real reform. The Utility
16 Intervention Unit gave testimony, with calculations
17 that showed the need for at least a fifty-two percent
18 reduction in the customer charge.

19 The UIU is now calling for only a five
20 point one percent reduction in the customer charge,
21 for only one-tenth of what their own research showed
22 was fair. That's like telling Rosa Parks to
23 compromise and only move to the next to the last seat
24 on the bus.

25 It took one hundred years to get a

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2 common-sense law that black people and white people
3 can eat together in the same restaurant if they want
4 to. Your Honor, we're asking you and the Commission
5 not to take one hundred years, to make a common-sense
6 decision and charge everybody the same price. We're
7 asking you to do it now.

8 Thank you.

9 A.L.J. LECAKES: Thank you, Mr. Ford.

10 Robert Murphy and then after Mr.
11 Murphy, Lesley Haynes.

12 MR. MURPHY: Robert Murphy and I pay
13 three National Fuel bills a month. Three different
14 bills and I'll tell you why, but first, I want to
15 grab one word, public.

16 You're a Public Service Commission.
17 The utility company is a public utility company and
18 we are the public. So, think of that word.

19 I have one little thing to begin with
20 about National Fuel. I have one little thing about
21 your commission at the end. I have a little bit
22 bigger in the middle, but I'm not going to speak
23 long.

24 Okay. My three bills are due the 31st
25 of this month. They come in every month in that.

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2 But why can't they be dated the 1st?

3 I'm seventy-five years old. I do work
4 some, but I main -- mainly depend on pension, social
5 security, payments like that. None of those come in
6 before the beginning of the month.

7 So, they -- with all of these -- with
8 all of these executives making a lot of money, nobody
9 can think something small, that might help some
10 people? If I'm late, I have to pay one point three
11 four percent, whatever it is, late fee on three
12 bills.

13 Okay. The big part.

14 I pay my National Fuel bill. I pay
15 two of my grandchildren's' National Fuel bills. They
16 are not yet completely launched in to society. They
17 are working at it. It's hard. It's hard out there.
18 They're paying some bills very responsibly, but they
19 need help and I'm able to help them.

20 If the bills go up, how can I help
21 them? How can they continue the process of maturing?
22 How can they become full citizens -- bill-paying
23 citizens, when this gets harder and harder and
24 there's fewer and fewer people to help them? So,
25 that's the big part of my thing.

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2 The small thing, the National -- to
3 the Public Service Commission, the next time that you
4 have hearings, would you come to Buffalo first?
5 Please, you -- we may be the most -- most ratepayers
6 proportionally. I don't know that. I haven't done
7 the statistics, but it would be paying us a little
8 respect.

9 Thank you.

10 A.L.J. LECAKES: I have Lesley Haynes
11 and then afterward, Robert Galbraith.

12 MS. HAYNES: Good evening. Good
13 evening, everybody.

14 I've been sitting there, feeling a
15 little bit -- most of you in this audience know me.
16 Most of you do and I was sitting there feeling a
17 little bit shy because I'm going to reveal some
18 things about myself, that I've never shared with you.

19 I moved to Buffalo ten years ago, on
20 October Storm. It was exactly ten years last week,
21 that I moved here and I moved here because my son
22 lives here, my grandchildren live here and I've been
23 very, very happy in Buffalo and -- and those in the
24 audience know this. I'm very, very happy here.
25 Wonderful people here in a city of good neighbors.

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2 And the one thing that has really
3 troubled me since I've been here is trying to pay my
4 bills. I've worked hard all of my life. I'm -- I
5 was a Missionary for many years and I was also Crisis
6 Intervention Social Worker, but I never had the
7 foresight to work in a -- in a company that had --
8 that gave pensions, so I retired without a pension.

9 I live on six hundred dollars a month
10 and have for the last ten years. I don't share that
11 with people and most of you don't know that I'm broke
12 all the time, but I -- because there's a sense of
13 pride. Poor people are proud. We don't want to beg
14 for things and we don't want to say please give us
15 this -- these things and you know, these political
16 things that you hear about -- we're all -- always
17 trying to grab money and that. That's just not true.
18 Most of the people -- people sitting in this room,
19 that I recognize, we're all -- we -- we work with
20 each other in the community. We help each other, but
21 there's a sense of pride that I really feel -- I was
22 sitting there struggling with sense of this because
23 shouldn't I have -- all these years, have a good
24 income? I worked hard. I never, never had time off.
25 I worked my whole life.

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2 But what I tell young people now, one
3 of the first things I tell young people is make sure
4 you work for someone that gives a retirement because
5 I was flawed in that. I had several moves. I was
6 married to a military man and we lived in different
7 parts of the country, so I worked five years here,
8 six years there, five years there and not one time
9 did I ever work for anybody that gave retirement
10 benefits.

11 The only thing I have is my social
12 security, which is six hundred dollars a month. So,
13 I have a little house and I'm -- it's a hundred and
14 twelve years old and a long with a hundred and twelve
15 years old, you know what that means. A lot of
16 repairs. It's chilly. It's cold and I have -- I
17 have -- since I've been here, I sleep with an
18 electric -- in an electric blanket because I don't
19 turn the heat on at night. I make -- keep myself
20 warm. I go to bed with sweats, you know, sweatpants
21 and a robe and snuggle up in the bed.

22 So, two years -- last year and then
23 three years ago, we -- it's very much -- my heat
24 bills were very high even though I don't turn it on
25 that much and this one year, I was -- it was

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2 threatening to be -- I do get HEAP -- HEAP, four
3 hundred dollars. That's very -- I'm very grateful
4 for that, but the first time that I had my heat cut
5 off, it was very traumatic for me. I'm a proud
6 person. I'm not going to talk -- go around and say I
7 got my heat turned off this week, you know.

8 So, I -- I was struggling through it,
9 but they cut the -- cut it off in, I think it was the
10 1st of May. I didn't have any heat -- I didn't have
11 any heat or hot water for -- until October or
12 November and so -- so it's turned off for six months.
13 Did you know that? If you can't -- if you can't pay
14 that several hundred dollars, you, you know, and I
15 was paying -- and I spent -- I -- it -- I was paying
16 my regular amount every month towards the bill, but
17 they wouldn't turn it -- they didn't turn it back on
18 until, I think it was in -- around November 1st.

19 So, I had no water during -- this
20 happened to me twice since I've been here. No hot
21 water for six months and no heat. So, no, it's not
22 right, but there are -- I'm not alone. There are a
23 lot of people who are just too proud to tell these
24 stories, you know.

25 And there was a couple of things -- I

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2 had pneumonia -- I've had pneumonia every winter that
3 I've been here. I've been sick. I have frozen pipe
4 twice -- two years. My pipes froze and -- I don't
5 know if I can say it without crying. The first time
6 they froze, the water all came down the walls and I
7 had water down the walls, all over the floor and the
8 insurance paid for part of it, but they didn't pay
9 for all of it. So, I found myself struggling.

10 You know why they froze? I didn't
11 have the heat -- heat up enough to -- to have them
12 warm enough -- the pipes be warm enough.

13 And so I finally got that fixed. The
14 -- the walls had to be repaired. The -- new ceilings
15 and then last year, my pipes froze again.

16 If you came to -- if you came to my
17 house now, you would see that my pipes aren't hooked
18 up. I've got these little -- the -- the plumber came
19 and gave me these little plastic -- like plastic
20 substitute and hooked it up so that I could have a
21 little heat in one room, but the pipes aren't hooked
22 up because I haven't been able to afford to pay to --
23 it's a lot of money to buy pipes and have
24 electricians, etcetera, etcetera. So, the -- my gas
25 got cut off twice.

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2 I believe in fracking -- I mean, I
3 don't believe in fracking. I'm a -- no. No. No.
4 What -- what I'm saying.

5 Those of you that know me well, know
6 that I'm tote -- I mean, I'm an environmentalist.
7 I'm -- I'm about saving the world and saving the
8 planet and saving people and I just do not believe in
9 fracking.

10 So, when -- I can remember sitting in
11 the same auditorium a few years ago. Some of you
12 remind me what year it was. Five -- four years ago,
13 when we were protesting the rising prices of National
14 Fuel at that time.

15 At that time, we learned that the --
16 the top level of National Fuel -- they -- I mean,
17 their -- their hourly prices of income were obscene.
18 I think it was like a thousand dollars an hour or
19 something like that, that they were getting and we
20 were all sitting here and we -- we were low income.

21 Let's see. I think that's about it.

22 Oh, the electric company, I do -- I --
23 I -- oh, I have one proud little thing, very proud of
24 because I told you I'm an environmentalist.

25 You know when you get your electric

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2 bill and they say this is what -- how much

3 conservation you had this month?

4 Well, very month it says

5 congratulations, you are the number one in your

6 neighborhood. That you -- that you used the least

7 amount of electricity.

8 So, I'm saying that to say I really do

9 conserve. I just can't manage.

10 And so I'm just -- I, you know, I

11 don't know how you represent the electric company --

12 the gas company. It -- I'm not clear how you

13 represent the -- but I think you've heard enough

14 things here tonight, to know that we aren't -- we

15 aren't playing around with this. This is our lives

16 that are being effected and we -- we are definitely

17 effected. We're -- we -- all of us, we -- gosh.

18 Beautiful, loving people in this audience and many

19 that left, who are a wonderful group of people.

20 But we just are -- we just want to be

21 heard and we -- we -- you -- we want those that the -

22 - that the gas company -- company to know that there

23 are people in this community and I'm sure many other

24 communities that you service, who are just truly

25 having difficulties in trying to manage because of

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2 the high rates -- already rates and the thoughts of
3 those rates being raised are really frightening. It
4 actually brings me to tears some times to think about
5 it.

6 So thank you for listening to me.

7 A.L.J. LECAKES: Thank you.

8 To clarify, we -- we don't represent
9 the gas company in any way, shape, or form. We're --
10 we're government -- we're state government employees.
11 We -- we do not represent NFG

12 UNIDENTIFIED SPEAKER: Yes, but you --
13 you do represent --.

14 A.L.J. LECAKES: This is -- Robert
15 Galbraith next and then Taniqua Simms (sic)
16 afterwards.

17 MR. GALBRAITH: Hi everybody. I'm
18 going to try to keep this sort of brief.

19 In its filing letter and in, you know,
20 the public -- public-relations materials that
21 National Fuel has, you know, used to promote this
22 rate hike, I think there's some kind of critical
23 context that they've left out.

24 You know, and so many of these good
25 people here have already mentioned tonight, their CEO

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2 Ron Tanski (phonetic spelling), makes six point seven
3 million dollars a year. What -- what hasn't been
4 mentioned is that this pay -- this rate of pay has
5 gone up, you know, a hundred eighty percent, you
6 know, it's -- it's almost three times as high as the
7 last time the -- the Commission approved National
8 Fuels' rate hike.

9 In 2007, the CEO at that point made a
10 mere two point four million dollars a year. So, you
11 know, the -- the two major -- the two major things
12 that National Fuel kind of raises as justification
13 for this rate hike, is the fact that the price for
14 its fuel that it supplies has gone down and that it
15 has made remarkable efficiencies in its labor costs,
16 but it's -- but National Fuel says the -- their
17 ability to trim their labor costs has been exhausted
18 and thus, they need to you know, hike, you know our
19 rates and -- and, you know, everybody's rates in here
20 in order -- in order to pay for this -- this
21 infrastructure modernization that they then, you
22 know, point the finger at public regulators for
23 acquiring.

24 I mean, I think outrageous is the
25 appropriate word for that, when they're paying, you

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2 know, not just their CEO, but their -- their other,
3 you know, their other top executives millions and
4 millions of dollars. You know, two point eight
5 million dollars, two point four million dollars, two
6 point two million dollars, one point two million
7 dollars. You know, these -- these -- these are just,
8 you know, five of the top of people in National Fuel,
9 what -- what they've made.

10 Not only that, but National Fuel has
11 also paid out increasing dividends for forty-six
12 years running. You know, that means that their top
13 shareholder is an investment manager downstate, made
14 twelve point two million dollars, just for -- just
15 for the -- just for owning National Fuel stock last
16 year.

17 You know, I -- I -- I think what
18 National Fuel says, it -- it -- it can't -- it just
19 can't find the money to, you know, to -- to -- to
20 make these upgrades to its infrastructure. I think
21 that's a joke. You know, they -- they obviously can
22 find some more operating efficiencies, if they look
23 at trimming their labor costs, maybe up closer to the
24 top of the organization.

25 You know, may -- maybe they could hold

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2 off on -- on -- on the dividend. You know, maybe not
3 -- maybe just hold it, you know, in place one year,
4 instead of increasing it. Yeah.

5 So yeah, I mean, every -- everyone
6 else here is, you know, gave their stories. I think
7 spoke better than I did, but I mean, I think this is
8 really critical context for, you know, what National
9 Fuel is -- is proposing, what they're, you know,
10 demanding of the customers that they have a total
11 monopoly over in Western New York.

12 Thanks a lot.

13 A.L.J. LECAKES: Thank you.

14 I have Taniqua Simms (sic) and then
15 Jeremy Sullivan.

16 MS. SIMMONS: I'm -- I -- hello. I'm
17 Taniqua Simmons and I have a -- a couple of comments
18 that I'd like to make.

19 The first thing I would like to say is
20 that we're here speaking about natural fuel and --
21 and natural gas. That should just -- I -- I -- I'm --
22 -- I'm really baffled as to why we're having this
23 conversation.

24 Heating your home, having gas to cook
25 food and having hot water is not a luxury. It's a

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2 necessity. I don't believe that natural resources
3 should be relegated to those who simply have more
4 money.

5 I feel that in Buffalo, where we have
6 very long and cold winters, when you contact National
7 Fuel and you're having a problem with your bill,
8 they're not very helpful or forthcoming to the
9 public, when we are trying to keep our services on.
10 But as soon as they need some money for anything,
11 they want to pass it along to the consumer and I
12 think it's unconscionable. I think it's
13 reprehensible that you are paying CEOs million dollar
14 compensation packages and at the same time, you are
15 passing on rate increases to people who are already
16 inundated with bills.

17 You have people on the east side of
18 Buffalo, who are facing increases in rent of fifty to
19 a hundred percent and our wages are not going up
20 fifty to a hundred percent. So, you compound that
21 with rate increases in utility costs and now you have
22 people who were trying to decide whether they should
23 eat or pay for prescriptions, well now you've added
24 just a -- a -- another -- another problem to that
25 issue. So, is it am I going to eat, am I going to

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2 get my prescription, or am I going to pay this gas
3 bill, when it's minus twenty-five degree wind-chill
4 outside.

5 So, I think these are things that we
6 need to consider. The Public Service Commission
7 should represent the public. It should speak for the
8 public. It should make sure that the public is taken
9 care of and if National Fuel wants to create better
10 infrastructure, maybe these CEOs that make millions
11 of dollars can go back in their offices and find out
12 how to do it without putting it on the backs of the
13 people.

14 It is just -- I -- when you are
15 receiving six point seven million dollars in
16 compensation a year and your wages and compensation
17 packages -- steadily increase, that is an indication
18 that you're making money and if you're making money,
19 then maybe you should suck it up. Maybe they need to
20 go back to the table and get rid of some of their
21 company cars and get rid of the waste that they are
22 spending and suck up those costs, instead of passing
23 it on to the public while they're -- they're doing
24 this infrastructure. We're not -- we're
25 not getting more gas. We're not getting better

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2 service. We're not getting better treatment. All
3 we're getting is a larger bill and I think that the
4 fact that we even have to have a conversation about
5 this is very insulting.

6 How much money does the CEO really
7 need to make? We are struggling to survive and five
8 dollars and seventy-five cent may not be much when
9 you're making six point seven five million dollars a
10 year, but when you're making seven twenty-five an
11 hour, that's a lot.

12 And I really think we have to consider
13 the people who will be most affected, our seniors.
14 The people who are most vulnerable within our
15 society, people who have worked all their lives and
16 are now being thrown to the wolves for the all-mighty
17 dollar and that something must be done about that.

18 We -- we need to push back on National
19 Fuel and have them come up with more efficient ways
20 for them doing business. We already know these
21 corporations do not pay their fair amount of taxes.
22 We know that. They get government subsidies. They
23 get all types of assistance and they're making
24 millions and millions of dollars.

25 What we need to do is help the people

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2 who are not making millions and millions of dollars.

3 Those are the people that make this country great.

4 Those are the people who get up and go to work every
5 day to keep a house over their head, clothes on their
6 back and food on the table and they should not be
7 denied utilities that are necessary.

8 Gas is necessary. People are like
9 literally freezing to death, while people are taking
10 million dollar paychecks and that's what I really
11 want people to take home with them and think about
12 before we just pass this rate hike.

13 If we don't push back on them, then
14 we're going to be here in -- a couple of years later
15 and they're going to say we need more money, we need
16 more money. Well, what they need to do is
17 effectively handle the money they already have.

18 Thank you.

19 A.L.J. LECAKES: Thank you very much.

20 Jeremy Sullivan and then Vivianne
21 Rodriguez afterwards.

22 MR. SULLIVAN: Good evening everybody.
23 I won't be here long.

24 Commissioner, your Judgeship.

25 I'm a contractor and a veteran. My

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2 parents went to school locally. My grandparents are
3 buried locally. I'm here because I'm a fan of heat
4 in the winter.

5 I'm usually a fan of my neighbors,
6 too. I have two neighbors that are elderly and on a
7 fixed income. Neither they nor I can afford a
8 increase in the rates.

9 I thank you for your time.

10 A.L.J. LECAKES: Thank you.

11 I have Vivianne and then after
12 Vivianne I have Rahwa -- thank you.

13 THE INTERPRETER: I'll be translating.

14 A.L.J. LECAKES: That's fine.

15 MS. RODRIGUEZ: (Interpreter) Good
16 evening.

17 My name is Vivianne Rodriguez. I'm
18 here representing mostly the Hispanics who do not
19 speak any English.

20 I am one of the people who's effected
21 by the bill -- high bills of National Fuel. I paid
22 three hundred dollars a month in bills. When winter
23 comes, I increase and pay more in gas than I do my
24 rent.

25 It's not -- it's not just -- it --it

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2 jeopardizes us. The -- we work hard and it's
3 impossible for us to pay for our gas, our electric,
4 all the other bills that come along.

5 This is -- it's not -- it's not just
6 that we live in a country where we have to work so
7 hard and yet, we cannot get ahead and we can't afford
8 to pay our bills and move forward as a people. She
9 says a lot of us come from other countries and we
10 come and we leave our people behind, people who are
11 doing worse than we are. We come here, we try to
12 prosper, so we can help them and yet we fall behind
13 and we can't help them. It's just not just.

14 She said, well, I -- at this point, I
15 will end. I'm here. I want to support and talk on
16 behalf of my people and let them know that I'm here
17 and I am their voice because they cannot speak.

18 THE INTERPRETER: And please forgive
19 me if some of my Spanish is not coinciding
20 completely, but I'm giving you the just of what she
21 had to say.

22 Thank you.

23 COMMISSIONER BURMAN: Thank you.

24 A.L.J. LECAKES: Thank you very much.

25 Thank you to both of you.

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2 I have Rahwa and then the last card I
3 have right now is Bob Jahnke after.

4 MS. GHIRMATZION: Hello.

5 I am here today, even though I put in
6 an eight and a half hour workday. Picked up my son
7 and came here.

8 I'm interested both for what's
9 happening today and the decisions that are being
10 made, but also what are we leaving for our children.
11 What does the future look like for them? I am
12 worried and it's important for me to be here with
13 you, even though I should be at home putting him to
14 sleep.

15 I think one of the things that we need
16 to take a look at is this idea of equality versus
17 equity. Yes, it's an equal distribution of a rate
18 hike, but some people are only going to pay three
19 percent Others are going to have a burden of about
20 twenty percent.

21 And just some facts, in this state
22 there are already eight million -- there are people
23 that have an eight million dollars' worth of arrears.
24 The national average is about a six percent and in
25 most places in Western New York, the community that I

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2 live in, the community that I work in, people have
3 between twenty-five and forty percent of their
4 income, actually goes towards paying their utilities.
5 So, there's a cycle of poverty.

6 Lesley, I love you. Thank you for
7 sharing your story. This happens to so many people.

8 We stood in the HEAP line last year,
9 just to provide some dignity to the hundreds of
10 people that were standing there. We provided coffee,
11 hot chocolate, some music and just some solidarity.

12 And I interviewed many women that had
13 babies, not even a year old and they were standing
14 there, after they'd had their utilities shut off all
15 summer and had to wait until November to get their
16 heat turned on. And this happens every year that
17 they come in November, stand in line and finally get
18 their HEAP, get their heat turned on and by April,
19 they're shut off.

20 Some of the things that we should
21 really talk about is that Buffalo is the third-
22 poorest city in the country. We also have the
23 second-oldest housing stock.

24 What we should be investing in and I
25 really do think of this as an investment, if you

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2 asked me to invest, even though I'm not a homeowner,
3 to invest forty-seven dollars a year, whatever the
4 rate increase is going to be, towards an
5 infrastructure that I had choices in, I would do it
6 because I want my son to live in a place where there
7 is renewable energy. So, if he asked me to invest in
8 wind and solar and geothermal and -- and
9 weatherization for -- for these -- for this aging
10 housing stock, I would break my back to do it because
11 it's important and that's what we need to do.

12 Looking backwards, towards an
13 extractive fuel economy that is not sustainable, that
14 is not serving anyone any longer, especially the
15 people or the planet, is just wrong and so I say to
16 you, I think that if National Fuel were to shift
17 their thinking and invest in renewables, then we as
18 the public, would I think make the -- the -- would
19 make the right decision.

20 And then one other thing I wanted to
21 say is if you were to do some door-knocking, which we
22 do all the time, Christian, where are you and yes,
23 the people of this community that again, third-
24 poorest city, highly segregated, what is it that you
25 want and what is it that you need and they will tell

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2 you, quality, affordable housing and jobs. So,
3 investing in a renewable economy would also mean that
4 all these folks that are looking for good jobs to
5 carry us in to the future would have that.

6 And so that's what I propose we do,
7 rather than this rate hike.

8 Thank you.

9 A.L.J. LECAKES: Thank you very much.

10 And Mr. Jahnke?

11 MR. JAHNKE: Hello.

12 It's really touched my heart,
13 everything that's been said by everyone that came out
14 tonight and I planned on reiterating a bunch of
15 points that I made at three o'clock -- at the three
16 o'clock session, but you all did a very good job at
17 doing that for me.

18 But while I was sitting here listening
19 to everything, it occurred to me that you at the
20 Department of Public Service have real power. You
21 have the power to change things. You have -- you
22 have the power to change -- to change the power
23 dynamic between the public and the necessities that
24 the public depend on because the way the system's set
25 up now, there's -- there's so many incident --

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2 instances where we're dependent on the utilities for
3 a supply that they're selling to us and at the same
4 time, for some crazy reason, the -- the government
5 has decided to give them the funds to weatherize and
6 create better efficiency so that we'll use less of
7 their product.

8 And how can you give the money to the
9 people that are selling us the fuel supply for us to
10 improve efficiency, so that we'll use less of their
11 product. They have no incentive to distribute that
12 value efficiently.

13 The other power you have is you have
14 the power to break cycles of poverty because when you
15 realize the changes you can make, so that people that
16 -- that are being suppressed, that -- that don't have
17 the ability to pay for the necessities, that -- that
18 can't fulfill their life potential because they're
19 too busy trying to make hard decisions like heating
20 their home as opposed to food, or even higher
21 education, so they can -- they can climb success
22 ladders. You can break that cycle, so that we can
23 have better prosperity and you can -- you can change
24 that on a statewide level, so that you can bring
25 prosperity to New York State, so that we don't have

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2 the -- the levels of poverty that we have to deal
3 with, so that we're -- we're constantly putting Band-
4 Aids on all of our problems instead of actually
5 changing them systemically.

6 And there's one other power that you
7 have. You have the power to change the future. You
8 have the power to move us in to the economies that
9 are already being created in Europe and already being
10 created in California and are already being created
11 in several other pockets in other states. You have
12 the ability to -- to move us in to the renewable
13 economy, which Rahwa just touched on, about putting
14 the money in to renewable energy is going to give us
15 jobs and it's going to give us less dependence on the
16 fossil fuel industry.

17 And by changing -- by using your power
18 to change all those power dynamics, you'll create a
19 better economy for New York State and we'll become
20 the greatest state of the union, which is what we
21 once were.

22 Thank you.

23 A.L.J. LECAKES: I'd like to thank
24 everyone for coming out tonight and I really want to
25 encourage those of you who didn't provide comments,

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2 or even if you already did provide comments tonight,
3 there is a sheet out on the back table that looks
4 like this. It is an information sheet.

5 On the back of the sheet, or actually
6 on the -- the second page of this sheet, there are
7 ways to comment that are provided and they talk about
8 providing comments on the Department's website,
9 providing comments for -- through mail or through
10 email. There are envelopes on the back, that are
11 already addressed for you, that you can use to send
12 mail in and there is a -- a toll-free telephone line,
13 one eight hundred three three five twenty-one twenty,
14 that you can use to call and leave your comments on
15 an answering system.

16 But again, thank you everyone for
17 coming out tonight. This concludes our -- our public
18 statement hearing, on this NFG rate request. We will
19 take your comments and we will consider them heavily.

20 I'd like to thank Commissioner Burman
21 for being here with us tonight and -- and with that,
22 this hearing is concluded and we are off the record.

23 Thank you.

24 (The hearing concluded.)

25

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2 STATE OF NEW YORK

3 I, Howard Hubbard, do hereby certify that the foregoing
4 was reported by me, in the cause, at the time and place,
5 as stated in the caption hereto, at Page 1 hereof; that
6 the foregoing typewritten transcription consisting of
7 pages 1 through 88, is a true record of all proceedings
8 had at the hearing.

9 IN WITNESS WHEREOF, I have hereunto
10 subscribed my name, this the 1st day of November, 2016.

11

12

13 Howard Hubbard, Reporter

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