

1 4/17/2024 - MarieAnn & Richard Cherry, et al - 23-E-0727

2 STATE OF NEW YORK

3 PUBLIC SERVICE COMMISSION

4
5 CASE 23-E-0727 - Complaint of MarieAnn and Richard
6 Cherry and Others Concerning LED Street Lights in
7 the Village of Cambridge.

8
9 PUBLIC STATEMENT HEARING

10 DATE: April 17, 2024 at 6:03 p.m.

11 VENUE: WebEx

12 BEFORE: ALJ TARA KERSEY

13
14
15
16
17 Reported by Monique Hines
18
19
20
21
22
23
24
25

1 4/17/2024 - MarieAnn & Richard Cherry, et al - 23-E-0727

2 (The hearing commenced at 6:03 p.m.)

3 A.L.J. KERSEY: Ms. Hines, please feel
4 free to interrupt the speaker if you are having any
5 trouble transcribing his or her comments.

6 THE REPORTER: Okay.

7 A.L.J. KERSEY: We are on the record. I
8 call case 23-E-0727, complaint of MarieAnn and Richard
9 Cherry and others concerning LED street lights in the
10 Village of Cambridge. Good evening and welcome. My
11 name is Tara Kersey, and I am an Administrative Law
12 Judge with the New York State Department of Public
13 Service, and I have been assigned to preside over this
14 Public Statement Hearing.

15 Joining me this afternoon are employees
16 from the Department's Office of Consumer Services, who
17 will be providing technical and operational assistance.

18 We are here today for a Public Statement
19 Hearing that was noticed on March 26th, 2024. This
20 hearing is intended to allow public comment on a
21 petition filed on December 13th, 2021 by 52 customers
22 of Niagara Mohawk Power Corporation doing business as
23 National Grid, and we'll refer to them herein as
24 National Grid or the Company.

25 Pursuant to Public Service Law Section

1 4/17/2024 - MarieAnn & Richard Cherry, et al - 23-E-0727
2 72, the petitioner shall have an opportunity to be
3 heard in respect to the matters complained of. In
4 December 2019 and January 2020, National Grid converted
5 the street lighting fixtures in the Village of
6 Cambridge in Washington County from high pressure
7 sodium fixtures to light emitting diode fixtures. The
8 petition argues that these light emitting diode or LED
9 fixtures in the village are harmful to a village
10 resident with epilepsy, and requests that the Public
11 Service Commission require National Grid to remove the
12 LED fixtures and replace them with conventional
13 lighting, to lower the fixtures to less than 20 feet,
14 and to otherwise eliminate or minimize the impact of
15 such lighting on the residents, excuse me, in the
16 village. On January 23rd, 2024, Department of Public
17 Service staff filed its Department of Public Service
18 Staff Report pursuant to Public Service Law Section 71,
19 which we will refer to herein as the staff report
20 regarding the petition. The staff report examines the
21 regulatory requirements regarding LED street lighting
22 and the requirements of the company's tariff. The
23 staff report explains that the LED fixtures installed
24 at the Village of Cambridge's request comply with state
25 and federal regulations, and National Grid's actions

1 4/17/2024 - MarieAnn & Richard Cherry, et al - 23-E-0727
2 comply with its tariff requirements. The staff report
3 recommends that the Commission deny the petition. The
4 New York State Public Service Commission consists of
5 seven members, the chair, Rory Christian, and
6 Commissioners Alesi, Valesky, Maggiore, Bright, and
7 Sheehan. We are fortunate tonight to have Commissioner
8 Maggiore with us attending. Commissioner, would you
9 like to address the participants?

10 COMMISSIONER MAGGIORE: Thank you very
11 much, Judge. This is John Maggiore. I just want to
12 take a moment to thank everybody who has taken time out
13 of their schedule to participate tonight. My role here
14 tonight is to listen to you, which is exactly what I'm
15 going to do. So other than thanking you and getting
16 ready to sit down and listen to what you have to say,
17 that's the last you're going to hear from me. But
18 again, your participation in this process is important.
19 And as a Commissioner, I very much look forward to
20 hearing what you have to say. Thank you very much.

21 A.L.J. KERSEY: Thank you, Commissioner
22 Maggiore. Now, I will take a moment to explain the
23 process we're going to follow this evening. The
24 purpose of this hearing is to provide you with an
25 opportunity to tell the Commission your thoughts on the

1 4/17/2024 - MarieAnn & Richard Cherry, et al - 23-E-0727
2 petition. The statements you make today will become
3 part of the record. We have a court reporter on the
4 line who will prepare a transcript of the hearing,
5 which will be included in the -- in the official record
6 of this proceeding, so that your comments can be
7 considered by the members of the Commission. When it
8 is ready, the transcript will be publicly available for
9 review on the Department of Public Service's website.
10 The hearing is not a question and answer session, but a
11 forum to hear comments from the public. This, however,
12 is not the only opportunity for comment. For those who
13 do not wish to speak at today's hearing, but would like
14 your views included in the record, there are several
15 other ways to comment, as explained in the public
16 notice for today's event. You can submit comments
17 through the Department's website, by regular mail or by
18 telephone. All comments will be given equal
19 consideration regardless of how they are submitted.

20 Because we are holding this public
21 statement virtually, we have required people to pre-
22 register to make a public statement at today's hearing.
23 We have some participants who might be participating
24 electronically and others telephonically. In either
25 case, please make sure that you are using only one

1 4/17/2024 - MarieAnn & Richard Cherry, et al - 23-E-0727
2 audio output and one audio input on your end.
3 Otherwise, we may experience some problems with
4 feedback while you are speaking. For those
5 participating electronically, after I call your name,
6 we will unmute your line and let you know that you are
7 unmuted. Please remember that if you have put your own
8 telephone line or computer on mute, you will also have
9 to unmute your line on your end before you begin to
10 speak. For telephone participants, when I call your
11 name, I will ask that you press star three on your
12 telephone so that we can recognize you and unmute your
13 line. It may take us a moment to locate and unmute
14 you, so please make sure you wait until you hear a beep
15 indicating that your line has been unmuted before you
16 begin your statement. Just a reminder, again, if
17 you've muted your own telephone, you will have to
18 unmute that as well. Please speak slowly and clearly
19 so that the court reporter can accurately capture your
20 statement for the record. When your line is unmuted,
21 please state your name and if you are speaking on
22 behalf of an organization, identify the name of the
23 organization that you represent. Again, I want to
24 remind our court reporter that if you cannot hear a
25 speaker, please feel free to interrupt and let us know,

1 4/17/2024 - MarieAnn & Richard Cherry, et al - 23-E-0727

2 as we want to make sure we have an accurate record of
3 the statements made today. Our first speaker is
4 MarieAnn Cherry. Ms. Cherry, are you there?

5 MS. CHERRY: Yes.

6 A.L.J. KERSEY: Great. Okay, you can
7 begin. Your line has been unmuted. Please state your
8 name for the record and make your statement.

9 MS. CHERRY: MarieAnn Cherry from
10 Cambridge, New York. With respect, Your Honor, the
11 Commission has missed the point. LED light contains
12 properties that work against a person's natural light
13 processing abilities. This causes problems for some of
14 us more than others, and it should be obvious that it's
15 unfair, wrong, and even dangerous to put LEDs into
16 public street lamps. It's doubly unfair and wrong to
17 force LEDs onto everybody and then make them pay out in
18 money, pain, injury, discomfort, loss of health, and
19 degraded quality of life. These are some of the
20 effects that our petition cited, and which the
21 Commission duly noted in stating its intention to
22 investigate. We did our part by alerting Public
23 Services, and then we waited three years with the
24 harmful effects continuing unabated, only to have the
25 Commission recommend denying us relief based on an off

1 4/17/2024 - MarieAnn & Richard Cherry, et al - 23-E-0727
2 topic regulatory examination. National Grid, and the
3 trustees didn't give customer constituents any choice
4 before taking away perfectly good useful to all H.P.S.
5 street lighting and installing LEDs that the Department
6 of Energy and industry standard setting entities admit
7 are radically new technology that can cause dangerous
8 and catastrophic reactions and aren't suitable or
9 acceptable for unusually sensitive individuals. We are
10 telling you at Public Services that National Grid's LED
11 street lights are hurting us, and that we want it to
12 stop. We are asking for meaningful, urgent and in my
13 case, life-protecting action because local government
14 and National Grid won't take the harm to us seriously
15 or do anything about it.

16 Please note the five H.P.S. lights
17 reinstalled in Cambridge in 2021 returned less than two
18 percent of the village's street lit area to epilepsy
19 safe lighting and those bulbs are only temporary.
20 Public Services claims that its mission is to ensure
21 safe service for its residential customers, and this
22 commitment must apply to all New Yorkers, regardless of
23 anyone's medical susceptibilities. I believe Public
24 Service's own stated mission makes it the Commission's
25 ethical, professional and legal responsibility to

1 4/17/2024 - MarieAnn & Richard Cherry, et al - 23-E-0727
2 respond to our reports with prompt, comprehensive
3 corrective measures. The Commission must cease
4 standing by and leaving us to struggle through sleep-
5 disturbed nights, to drive home squinting, flinching
6 and shielding our eyes or to endure any more
7 streetlight-caused brain seizures that could stop our
8 hearts and kill us on the spot. For the Commission to
9 know of our distress but do nothing could easily be
10 seen as negligent and deliberately indifferent, and
11 therefore a form of official misconduct. We are
12 reporting real world adverse health events occurring as
13 symptomatologically, medical fact and happening because
14 we can't get away from the LED lights lining our
15 streets and sidewalks and intruding into our homes. We
16 are reporting cause and effect reactions to the
17 powerfully disruptive and intriguing properties of LED
18 light. Please remember, pain is a sign of damage and
19 symptoms of sickness mean something has gone wrong with
20 a person's healthy, normal homeostasis.

21 Public Services may deny our petition,
22 but Public Services can't deny established, documented
23 medical facts. National Grid itself doesn't deny that
24 LED light is medically affecting us. National Grid
25 even refers to therapeutic LEDs as proof of benefit,

1 4/17/2024 - MarieAnn & Richard Cherry, et al - 23-E-0727

2 but that argument actually speaks against population
3 scale LED usage. As I reminded National Grid in 2020,
4 radiation can treat cancer, but no oncologist
5 irradiates an entire neighborhood just to treat a
6 single patient. The LED industry too characterizes LED
7 biomodulation of humans in the lit space as delivering
8 the dose, but dosing a person without their consent is
9 a crime, so is injuring someone or making them sick.
10 For some of us, LED light is like either poison or a
11 knock out drug. Any device causing pain, injury,
12 impairment, illness and brain seizures is by definition
13 unsafe and unfit for general use.

14 Public Services can't allow unsafe
15 devices to be used on the New York public, yet maintain
16 its integrity as a Commission serving the public good.
17 And as for National Grid and local trustees, treating
18 customer constituents badly is bad business and bad
19 governance. Tariffs and regulations do not override
20 any law-abiding person's fundamental right to be out on
21 public streets and sidewalks without being harmed by
22 public infrastructure and without interference from a
23 utility company and how they conduct their lives. The
24 Commission will please closely review precautionary and
25 universal design principles and the law regarding human

1 4/17/2024 - MarieAnn & Richard Cherry, et al - 23-E-0727
2 subject protections, toxic trespass, and public
3 nuisances that threaten life, health and safety. These
4 higher priorities will not be reconciled with the
5 continued use of demonstrably damaging LED street
6 lights. I asked Public Services to please immediately
7 transfer our citizen reports of LED caused harm to
8 appropriate New York State public health and public
9 safety authorities, and to New York State Attorney
10 General, Letitia James. Thank you.

11 A.L.J. KERSEY: Thank you, Ms. Cherry.
12 Thank you for your comments. Our next speaker is
13 Lorraine Markafellow (phonetic spelling). Ms.
14 Markafellow, are you there? We can come back to Ms.
15 Markafellow.

16 Our next speaker is Judith Leon. Please
17 remember, for telephone participants, please press star
18 three on your telephone so that we can recognize you
19 and unmute your line. Ms. Leon?

20 MR. WHITE: So, Your Honor, I do have a
21 raised hand. But I'm not sure. I think it's still Ms.
22 Cherry, but I can lower the hands and you can ask
23 again, and then we can just --

24 A.L.J. KERSEY: Sure.

25 MR. WHITE: If you'd like. Okay.

1 4/17/2024 - MarieAnn & Richard Cherry, et al - 23-E-0727

2 A.L.J. KERSEY: Sure.

3 MR. WHITE: Go ahead, ask again, and
4 then we'll see if that hand pops back up.

5 A.L.J. KERSEY: Great. Okay. Ms. Leon?
6 Ms. Judith Leon or Ms. Lorraine Markafellow, either one
7 of you or?

8 MR. WHITE: No one has raised their
9 hands on it.

10 A.L.J. KERSEY: Okay. Our next speaker
11 is Casey Booker. Again, I just remind you to press
12 star three on your telephone. We'll circle back to
13 these folks. Our next speaker is Heidie Feri or Fereri
14 (phonetic spelling).

15 MR. WHITE: Go ahead. Your line has
16 been unmuted. Please spell your last name for the
17 court reporter.

18 MS. O'LEARY: Actually, yeah. It's
19 O'Leary. Heidie O'Leary. Like O'-L-E-A-R-Y.

20 A.L.J. KERSEY: Great. You may proceed.

21 MS. O'LEARY: Okay. I am in support of
22 MarieAnn Cherry, who has been suffering from
23 debilitating seizures caused by LEDs. I, too suffer
24 from photosensitivity epilepsy. I cannot
25 neurologically tolerate these harmful LEDs. I, as well

1 4/17/2024 - MarieAnn & Richard Cherry, et al - 23-E-0727

2 as so many of us, are no longer living a normal life.

3 I cannot drive at night due to the bright LED car

4 headlights. Even during the day it's difficult to run

5 errands or do anything. How can I grocery shop, drive

6 to see my family and friends? How do I visit the

7 doctor or dentist? There are LEDs everywhere and there

8 are strobing pedestrian crossings and emergency

9 vehicles with strobes. Daily, I'm in a fight or flight

10 situation where my life is on the line. I can die from

11 a grand mal seizure due to these LED lights. We reach

12 out to ask for a change or ask for accommodation and

13 just simply be heard. But we're brushed aside as if

14 we're inferior and a nuisance. We do not want special

15 rights. We want equal rights. It's not just a few of

16 us suffering from LEDs. The numbers are increasing.

17 More people have come out explaining how they're

18 suffering from these LEDs and developing migraines,

19 seizures, temporary blindness, et cetera. I was under

20 the impression that we have the freedom of choice when

21 it comes to purchasing anything in this country, toilet

22 tissue, food, what car or house to buy. But now we're

23 being forced to use LEDs. But the situation can be

24 remedied by not tweaking these toxic LED lights.

25 Simply just go back to incandescent bulbs.

1 4/17/2024 - MarieAnn & Richard Cherry, et al - 23-E-0727

2 Incandescent lights were not triggering migraine,
3 seizures and a host of other health issues. If you
4 want energy saving lights, tweak the incandescent
5 lights. Thank you.

6 A.L.J. KERSEY: Thank you for your
7 comments, Ms. O'Leary. Our next speaker is Linda
8 Anderson.

9 MS. ANDERSON: Hello?

10 A.L.J. KERSEY: Ms. Anderson?

11 MS. ANDERSON: Yes. Can you hear me?

12 A.L.J. KERSEY: Yes, you may speak

13 MS. ANDERSON: Okay. My name is Linda
14 Anderson. Research shows that badly directed and
15 unnecessarily strong lights cause pollution that is
16 equivalent to the carbon dioxide emissions of nearly 20
17 million cars. Since 2017, lighting has increased by
18 two percent globally each year. This from the book The
19 Darkness Manifesto by Johan Eklöf. We're losing birds,
20 trees, insects. Light pollution is affecting the
21 circadian rhythm of all beings on Earth. Some
22 countries, like France, are actively addressing these
23 concerns head on. Since 2021, France regulates their
24 lights from brightness and color temperature to the
25 time of day, and coverings of their street lighting.

1 4/17/2024 - MarieAnn & Richard Cherry, et al - 23-E-0727

2 Light pollution is the easiest environmental problem to
3 solve. Today, LED lights pose a bigger and new problem
4 over light -- of over lighting. Here in Cambridge, LED
5 lights threaten the health of my neighbor, Marie
6 Cherry. She has epilepsy, and LED lights have caused
7 her greater and more frequent seizures that put her
8 life at risk. For years, her concerns and fears have
9 been met largely by silence and inaction, and to help
10 her does not involve rocket science, like the easiest
11 way to deal with light pollution. The easiest thing to
12 help her is to literally change the lights. Such a
13 simple gesture is not only a kind thing to do, but
14 could prove lifesaving. You are the Public Service
15 Commission of New York State. Please help ensure the
16 safety of my neighbor. I also urge New York State to
17 be proactive and take a long term look at what other
18 countries are doing to curb this growing problem. And
19 I will just add that I suffer migraines and that due to
20 LED lights, I believe that my migraines have increased.
21 Thank you.

22 A.L.J. KERSEY: Thank you for your
23 comments, Ms. Anderson. Our next speaker is Jamie
24 Troese. Jamie?

25 MR. WHITE: Your Honor. Yeah, sorry

1 4/17/2024 - MarieAnn & Richard Cherry, et al - 23-E-0727
2 about that.

3 MS. TROESE: My name is Jamie Troese, T-
4 R-O-E-S-E. As someone with a varied background,
5 including being a mother, wife, forester, dance
6 teacher, and working in the public sector, I bring a
7 wealth of experience to the conversations about LED
8 lighting safety. With a master's degree in forestry
9 and several publications under my belt, I am well
10 equipped to contribute to this important discussion.

11 Neurologically, my body cannot tolerate
12 any form of LED lighting. While some LEDs may be more
13 tolerable than others, the issue isn't about the color
14 of the light or its brightness, also known as lumens.
15 Any exposure to LED lighting triggers some form of a
16 reaction in me. At its worst, LED lighting will induce
17 a seizure symptom or at the very least, it will lead to
18 debilitating migraines. It impairs my ability to
19 concentrate and function professionally, causing
20 intense pain behind my eyes and straight through my
21 head. I constantly experience pain over my eyebrows,
22 accompanied by auras and (unintelligible). In extreme
23 cases, exposure to LED headlights and LED street lights
24 has actually resulted in seizure convulsions even in
25 front of my daughter. Stopped by doctors. This

1 4/17/2024 - MarieAnn & Richard Cherry, et al - 23-E-0727

2 sensitivity has reached a point where I can't go
3 anywhere without the risk of triggering a migraine or
4 worse. And this just continues to force me to rely on
5 others, including my husband, for transportation. I am
6 perfectly capable of driving if not exposed to LED
7 lighting, whether it be headlights or street lights.
8 Unfortunately, my symptoms have worsened over the years
9 due to prolonged and frequent exposure to LEDs,
10 particularly as we had to return to the offices post
11 pandemic. The widespread installation of LEDs in
12 various settings, from homes and businesses to street
13 lamps and public as well as medical buildings, have
14 created a significant neurological barrier for me, just
15 like it has for MarieAnn. After struggling to find a
16 clinic that actually took my condition seriously, I
17 finally found one where my concerns were met with
18 understanding and empathy. I was reassured when I saw
19 this doctor that I am not alone in experiencing these
20 debilitating reactions caused by LED lighting. Over
21 the course of a comprehensive three- to five-day stay
22 in a well-known epilepsy center conducted at their
23 facilities by doctors, nurses and staff who all
24 witnessed first-hand the adverse reaction that only LED
25 lighting triggers in my body. During the testing

1 4/17/2024 - MarieAnn & Richard Cherry, et al - 23-E-0727

2 period, we conducted controlled experiments to isolate
3 the source of my reactions. We held up a incandescent
4 light bulb, a incredibly bright halogen work light, as
5 well as a Maglite Zion lighting, and the staff
6 witnessed firsthand the adverse reactions that only a
7 LED lighting triggers in my body. The reactions were
8 so intense after being exposed to the L.E.Ds that it
9 was beyond undeniable that LEDs were the only trigger
10 for my migraines and seizures. The collective
11 observation of the medical team at this well-known
12 facility validated these experiences and underscored
13 the urgent need for further investigations into the
14 effects of LED lighting on individuals with
15 sensitivities like mine and MarieAnn's. This
16 validation proved not only a sense of relief, but also
17 a renewed hope for finding effective strategies to
18 manage my condition. In my small town, venturing into
19 town has been a huge ordeal. I resort to draping a
20 Carhartt jacket over my head in an attempt to have
21 relief while my husband drives me. I have even
22 considered the extreme measure of wearing a welding
23 mask to shield myself from the relentless assault of
24 LED street lamps, headlights, and personal lights. The
25 intensity of these lights has become so unbearable that

1 4/17/2024 - MarieAnn & Richard Cherry, et al - 23-E-0727

2 I have force -- I have been forced to abandon trips
3 uptown altogether, and the situation extends beyond a
4 mere inconvenience.

5 I find myself unable to visit stores,
6 conduct business, support local businesses, or even
7 attend medical appointments. My world has shrunk to
8 the confines of my home, where even glimpses outside on
9 a bright, sunny day are fraught with anxiety, as I can
10 never be certain that lights aren't piercing through.
11 This loss of visual freedom has transformed my life
12 into a daily struggle like it has MarieAnn, a
13 relentless battle against the very essence of modern
14 illumination caused by LEDs. LEDs pose safety concerns
15 for individuals like myself due to their potential
16 trigger of severe neurological reactions like
17 MarieAnn's seizures, my seizures, and my photosensitive
18 migraines, along with others that are speaking today.
19 Even after seeking medical attention and undergoing
20 testing, the adverse effects persist, leading to this
21 loss of visual freedom that has a profound impact on
22 overall quality of life. The widespread installation
23 of LED lightings in various environments exacerbates
24 these challenges and highlights the urgent need for
25 further research and mitigation to assess all of the

1 4/17/2024 - MarieAnn & Richard Cherry, et al - 23-E-0727
2 risks associated with LED illumination. End of
3 statement.

4 A.L.J. KERSEY: Thank you, Ms. Troese.
5 Our next speaker is John Lincoln.

6 MR. LINCOLN: And my name is John
7 Lincoln. I'm the -- a trustee of an organization in
8 the U.K. a Scottish charity called LightAware. We are
9 concerned with the health effects of lighting and in
10 particular, LEDs. I conducted a large study into LED
11 street lighting a few years ago, and I put the
12 subsequent report onto your website. So I wouldn't
13 wish to go through that in detail, but I do have some
14 thoughts about why this has become such an issue,
15 particularly why you see such light-sensitive people
16 such as MarieAnn, Jamie, Cherry treated with such
17 skepticism. I know a lot of people who are light
18 sensitive, like MarieAnn, they're intelligent,
19 articulate people. They're lawyers, doctors, social
20 workers and journalists, and they're being ignored. So
21 what hope is there for progress for them? I think part
22 of the reason, and as you've seen tonight, is that most
23 sufferers are actually women. And women's symptoms are
24 often ignored by male G.P.s, male physicians, and
25 particularly by road lighting engineers, who are in the

1 4/17/2024 - MarieAnn & Richard Cherry, et al - 23-E-0727

2 U.K. anyway, tend to be male. I also find that people
3 become defensive unwilling to listen when I explain how
4 LEDs make people ill. The logic of their thought
5 processes seem to be LEDs and low energy can help to
6 save the planet, so how could they possibly harm
7 people? I'm fine with them. Perhaps these people have
8 just been difficult. Maybe they were climate change
9 deniers or just plain weird. It can't be true. The
10 type of process that they're going through is known as
11 cognitive dissonance to psychologists. And
12 unfortunately, I've found plenty of evidence of this
13 even when I articulated in a straightforward way,
14 people ask, are you sure it's the lights? How can
15 light make people ill? What's the mechanism? The
16 outcome is that people with significant, well
17 documented health problems are socially excluded by the
18 ubiquitous installation of LED street lighting. Also
19 from other municipal buildings, health premises,
20 education shops, supermarkets and everything. Sadly,
21 disbelieving people has a long, depressing track record
22 in the U.K. in particular abuse in children's homes and
23 the grooming of young people. This belief becomes an
24 excuse for inaction in the face of suffering. We all
25 have a claim to be treated with dignity and dignity

1 4/17/2024 - MarieAnn & Richard Cherry, et al - 23-E-0727

2 demands a mutuality of respect. We have a claim to
3 have our own self-worth by the very humanity we share
4 with one another. Disbelieving what light sensitive
5 people say about their condition denies their humanity.
6 I believe that a justice society is one that respects,
7 protects, and promotes the inherent dignity of each and
8 every member. Whatever affects one person directly
9 will affect us all indirectly. It becomes damaging to
10 us all if we exclude members of society simply because
11 they have an inconvenient reaction to LED lighting.

12 Just to explain briefly about cognitive
13 dissonance, it's about when two actions arrive, the
14 ideas are not linked psychologically consistent.
15 People -- people will do all in their power to change
16 them until they become consistent. Their discomfort is
17 triggered when a person's belief that LEDs are good --
18 are a good thing clashes with new information either
19 make people like MarieAnn ill. People either
20 selectively downplay the information that conflicts
21 with their existing beliefs, and that's known as
22 confirmation bias, or they downplay the importance of
23 their health concerns or attribute them to other
24 factors. Unfortunately for people with light
25 sensitivity, cognitive dissonance is challenging to

1 4/17/2024 - MarieAnn & Richard Cherry, et al - 23-E-0727

2 overcome as it requires a willingness from the other
3 people that we're trying to explain this to, to
4 acknowledge and examine conflicting information
5 objectively. And that's very difficult. Thank you
6 very much for listening to me.

7 A.L.J. KERSEY: Thank you for your
8 comments, Mr. Lincoln. We're going to circle back.
9 Our next speaker is Lorraine Markafellow.

10 Please remember to hit star three on
11 your telephone so that we can recognize you and unmute
12 your line for telephone participants. Again, Lorraine
13 Markafellow?

14 MR. WHITE: No raised hand, Your Honor.

15 A.L.J. KERSEY: Great. Thank you. No
16 raised hands. I'm sorry.

17 MR. WHITE: I don't see a raised hand,
18 Your Honor.

19 A.L.J. KERSEY: Okay. Thank you.
20 Judith Leon? Judith Leon? Again, same thing applies
21 when I call your name, I'll ask you to please press
22 star three on your telephone. Casey Booker? Casey
23 Booker?

24 MR. WHITE: No raised hands, Your Honor.

25 A.L.J. KERSEY: Thank you. I'm going to

1 4/17/2024 - MarieAnn & Richard Cherry, et al - 23-E-0727
2 open --

3 MR. WHITE: I have a raised hand, Your
4 Honor.

5 A.L.J. KERSEY: Oh, great.

6 MR. WHITE: Go ahead. You've been
7 unmuted.

8 MS. NAIONE: Hello. My name is Sylvana
9 Naione and I did register to comment. I am wondering
10 if perhaps my name was recorded incorrectly.

11 A.L.J. KERSEY: It -- it may have been.
12 Yes, that may be the case.

13 MS. NAIONE: Okay.

14 A.L.J. KERSEY: If you don't mind just
15 restating your name and spelling it for our court
16 reporter. And then please feel free to proceed. Thank
17 you, thank you, thank you, I appreciate it.

18 MS. NAIONE: My name is Sylvana Naione,
19 N-A-I-O-N-E. My first name is spelled S-Y-L-V-A-N-A.
20 I am a resident in the Village of Cambridge, New York,
21 and the LED street lights caused me to have migraines.
22 If I'm exposed to one for a couple of minutes, my eyes
23 begin to hurt and water, and if I can't get away within
24 the next few minutes, I develop a full-blown migraine,
25 complete with throbbing pain behind my eyes, spots in

1 4/17/2024 - MarieAnn & Richard Cherry, et al - 23-E-0727

2 front of my vision, and nausea. Migraines can last for
3 many hours, and I have missed days of work because of
4 migraines from the street lights. I did not have this
5 problem with the old non LED lights. I am deeply
6 distressed and frustrated that Public Services New York
7 recommends leaving the situation unchanged. I am being
8 hurt by the LED street lights and I am not alone.

9 Watching a loved one have a seizure while you stand by
10 helpless to stop it is a truly terrifying experience,
11 and one which I've had all too many times as a direct
12 result of the introduction of the LED street lights in
13 Cambridge. So I suffer doubly from these street
14 lights, both in the form of my own physical pain and in
15 the form of fear for those I love being injured.

16 People are being hurt by these lights. Just because we
17 are seen as being in the minority doesn't make it
18 acceptable. If public schools decided it would save
19 money to serve peanut butter in cafeterias, putting any
20 student with a nut allergy at risk, the state would
21 never permit it. This is no different. A public
22 entity decided to introduce a new technology to save
23 money, one that harms a number of the very people who
24 are supposed to be served by that public entity. If
25 all regulations are being followed and people are still

1 4/17/2024 - MarieAnn & Richard Cherry, et al - 23-E-0727

2 being hurt, that tells us the regulations are
3 inadequate and need to be changed. What matters is
4 that people be safe in their community. I ask again
5 that the village and National Grid restore the previous
6 non LED street lights, which did not harm residents.
7 Thank you.

8 A.L.J. KERSEY: Thank you so much for
9 your comments. I'll now open up the hearing to anyone
10 in attendance who would like to speak, but did not pre-
11 register to do so. If you would like to make a
12 statement, please click the raise-hand icon in the
13 bottom right corner of your screen. Or if you've
14 called in, press star three on your telephone. Either
15 option will enable us to recognize you and unmute you
16 so that you can make your statement.

17 MR. WHITE: We have Mark Baker with a
18 raised hand, Your Honor.

19 A.L.J. KERSEY: Okay. Mr. Baker, you
20 may proceed.

21 MR. BAKER: Hello? Can you hear me?

22 A.L.J. KERSEY: We can hear you now,
23 yes.

24 MR. BAKER: Okay. My name is Mark
25 Baker. I'm the President of the Soft Lights

1 4/17/2024 - MarieAnn & Richard Cherry, et al - 23-E-0727
2 Foundation. The Soft Lights Foundation is a 501(C)(3)
3 nonprofit that advocates for the protection of
4 individuals who cannot neurologically tolerate the
5 visible radiation emitted by light emitting diode
6 products. I am commenting on case 23-E-0727 and the
7 petition to the New York State Public Service
8 Commission to remove the LED street lights that were
9 installed in the Village of Cambridge, New York. There
10 are at least four federal agencies that are involved in
11 the approval process for LED street lights. These
12 agencies are the Department of Energy, the Federal
13 Highway Administration, the U.S. Access Board, and the
14 Food and Drug Administration. The D.O.E. and the
15 F.H.W.A. have both promoted the use of LED street
16 lights. However, both D.O.E. and F.H.W.A. have
17 deferred in writing to the Food and Drug Administration
18 for the publication of performance standards for LED
19 street lights, which will ensure that the visible
20 radiation emitted by LED street lights is safe for all
21 members of the public. Yet, F.D.A. has not published
22 the congressionally required performance standards for
23 LED street lights as required by 21 U.S.C. 360 ii, and
24 National Grid has not received approval from the F.D.A.
25 for authorization to sell, install, or operate LED

1 4/17/2024 - MarieAnn & Richard Cherry, et al - 23-E-0727
2 street lights. In addition, the U.S. Access Board,
3 which is responsible for publishing guidelines to
4 ensure equal access to municipal streets and sidewalks
5 for individuals with disabilities has not published any
6 guidelines for LED street lights, and has also deferred
7 to the F.D.A. for the publication of health and safety
8 performance standards. National Grid has never
9 completed the approval process for all four federal
10 agencies before deciding to sell, install, and operate
11 LED street lights. If this were a permitting process,
12 it's as if National Grid only received two out of the
13 required four permits before moving ahead with the LED
14 street light project. It is now well established that
15 LED street lights are hazardous. They are dangerous
16 and they are discriminatory. National Grid's tariff
17 with the New York State Public Service Commission
18 requires that the National Grid provide services that
19 are safe. LED street lights are unsafe because the
20 visible radiation they emit has been documented to
21 cause acute responses such as seizures, migraines, and
22 the long-term impacts of exposure to LED radiation
23 include significant increases in risk of mood
24 disorders, diabetes, heart disease, eye disease,
25 cancer, and early mortality.

1 4/17/2024 - MarieAnn & Richard Cherry, et al - 23-E-0727

2 Because LED street lights are unsafe,
3 National Grid is violating their tariff agreement,
4 which requires National Grid to provide safe services.
5 As per 38 C.F.R. 35.151(b)1, any alteration to a
6 service after 1992 requires that the service be readily
7 accessible and usable by individuals with disabilities
8 after the alteration. The switch to LED street lights
9 is an alteration, and yet, due to the low quality of
10 the light emitted by LED street lights, the street and
11 sidewalk services are no longer readily accessible or
12 usable by certain individuals with disabilities. Thus,
13 National Grid's alteration of switching to LED street
14 lights is in violation of the Americans with
15 Disabilities Act. This hurdle of providing a readily
16 accessible and usable service when using LED street
17 lights is nearly impossible to overcome by National
18 Grid, as LED street lights have a known discriminatory
19 barrier. Given this information, the Soft Lights
20 Foundation recommends that the New York State Public
21 Service Commission approve the citizen petition to
22 remove the discriminatory LED street lights in the
23 Village of Cambridge, New York. Thank you.

24 A.L.J. KERSEY: Thank you so much for
25 your comments, Mr. Baker. I see that we had a couple

1 4/17/2024 - MarieAnn & Richard Cherry, et al - 23-E-0727
2 more raised hands.

3 MS. WHITTEMORE: Hello? Can everyone
4 hear me?

5 A.L.J. KERSEY: Yes, we can. Did you
6 state your name for the record, please? And then
7 please feel free to proceed with your comments. Thank
8 you.

9 MS. WHITTEMORE: Okay. Hello. My name
10 is Kelsey Whittemore, W-H-I-T-T-E-M-O-R-E. And I am a
11 friend of the family. I've been -- I've known MarieAnn
12 for, gosh, 15, 16 years now, and I work at a local
13 hospital where I live. And over that time, I've seen
14 someone who was independent, working, a member of the
15 community slowly be relegated to her home. Working in
16 a hospital, I've seen seizures. I've seen, you know,
17 certain behavioral health issues. I've registered
18 patients who have had seizures trying to cross the road
19 when the pedestrian light flashes. It doesn't quite
20 hit as hard as seeing someone you care deeply about
21 have a seizure due to something that's supposed to
22 protect us. Knowing that she is now unsafe, even in
23 her own home if the curtain moves, this light that is
24 more and more research is showing to cause damage
25 across the board. But the town and -- that's right,

1 4/17/2024 - MarieAnn & Richard Cherry, et al - 23-E-0727
2 they're not doing anything to help her. They're not
3 doing anything to protect the general public. And I'm
4 seeing more and more cases come in. I work
5 registration, I see patients come in. I'm one of the
6 first faces they see, and I can see what they're coming
7 in for. And if I see them coming in for a migraine, I
8 say, "Hey, you know, LEDs give me migraines. How could
9 they help you?" They're like, "Oh, I can't. I can't
10 with LEDs." And I had two. I had a young child last
11 year. She had a seizure, and they were hoping it was a
12 one off. And I mentioned LEDs to the parents because I
13 knew her previous experience. And MarieAnn, well, hey,
14 this causes seizures for one of my friends and they
15 kind of brushed me off because of course they -- their
16 -- the other kid just had a seizure, but when I saw
17 them a month later, the kid was still having seizures
18 and they were looking for incandescent bulbs. This is
19 such an easy problem to fix. All we have to do is
20 switch out the bulbs and we protect not just MarieAnn,
21 but any child that might have this afflicted on them.
22 Thank you.

23 A.L.J. KERSEY: Thank you for your
24 comment. I see another raised hand. I believe this is
25 someone who is on the telephone.

1 4/17/2024 - MarieAnn & Richard Cherry, et al - 23-E-0727

2 MR. WHITE: Yes, I've unmuted your line.
3 You can -- you can state your name and spell it, please
4 for the court reporter.

5 MS. UYEDA: Thank you. I just wanted to
6 let you know I did pre-register, but I guess it didn't
7 go through. So my statement --

8 A.L.J. KERSEY: Can you -- can you just
9 --

10 MS. UYEDA: Hi there.

11 A.L.J. KERSEY: Can you just give us
12 your name again?

13 MS. UYEDA: Yes, Anne Uyeda, A-N-N-E, and
14 the last name is U-Y-E-D, as in Delta, A. I found that
15 LEDs are harming me. I actually used to be a proponent
16 for LEDs. Even gave a speech about them in college
17 public speaking class. I have guilt about that,
18 because if I influenced even one person to switch out
19 their incandescent for an LED, I inadvertently harmed
20 them. I didn't have all the information then, and I
21 still don't. But I have learned a lot about the pros
22 and cons of lighting types over the years. But really,
23 I'm tired of presenting the facts and having them go
24 unheard. I even had an ex-parte meeting with the
25 Department of Energy who implemented the regulation to

1 4/17/2024 - MarieAnn & Richard Cherry, et al - 23-E-0727

2 ban many incandescent, but it seems to have done
3 nothing. I'm in pain daily due to LEDs. Driving at
4 night is now near impossible with so many LED
5 headlights just as an example. But still, I hold out
6 hope that things can and will change. That is why I'm
7 here today to be heard. Please listen. And more than
8 that, please take action on this. You can, I can't.
9 Thank you.

10 A.L.J. KERSEY: Thank you so much for
11 your comment. Is there anyone else?

12 MR. WHITE: I'm sorry, Your Honor. We
13 have a fresh slate, and -- and they lowered everybody's
14 names that's spoken. So if you call out anybody,
15 they'll be new.

16 A.L.J. KERSEY: Oh, great. Thank you so
17 much. Again, as I said, if there's anyone who is in
18 attendance but who did not pre-register to do so or
19 would like to speak at this time, please click the
20 raise hand icon in the bottom right corner of your
21 screen. Or if you've called in, press star three on
22 your telephone. I see a hand. Great. Thank you.

23 MR. WHITE: Sure.

24 A.L.J. KERSEY: Okay. You've been
25 unmuted. If you just give us your name, and please

1 4/17/2024 - MarieAnn & Richard Cherry, et al - 23-E-0727

2 feel free to make your comment.

3 MR. WHITE: Caller, you've been unmuted
4 on your end. Maybe -- maybe you're speaking. We don't
5 see that you are, though.

6 MR. MCCUE: I'm sorry.

7 MR. WHITE: There you go.

8 MR. MCCUE: Can I be heard? Thank you.
9 Hi. Yes, my name is Cooper McCue. For the record I
10 had an unprepared statement and I try to be brief. I
11 am calling in because I have firsthand witnessed the
12 damage that these LED lights can cause. I was formerly
13 a resident of the Village of Cambridge. And I am also
14 someone who suffers from photosensitivity, including
15 migraines and seizures. I have also seen other members
16 of that community now struggling with their day-to-day
17 lives because of the impact of these lights. The
18 installation was done without regard for the community,
19 without regard for the people in that community, and
20 without regard for the public at all. These lights are
21 damaging not just as a trigger for those of us with
22 photosensitivity and epileptics. They are also long-
23 term degrading to the neural processes of everyone who
24 comes in contact with them. Over long periods of time
25 exposure to LED light will cause neurological problems

1 4/17/2024 - MarieAnn & Richard Cherry, et al - 23-E-0727
2 for everyone. I again reiterate the requests of all
3 people in this hearing that the State immediately
4 return to incandescent bulbs and cease the use of these
5 damaging LED lights before they cause more harm or
6 death to members of this community. Thank you.

7 A.L.J. KERSEY: Thank you for your
8 comment, Mr. McCue. Again, for anyone in attendance
9 who would like to speak but did not pre-register, if
10 you'd like to make a statement, please click the raise
11 hand icon in the bottom right corner of your screen.
12 Or if you've called in on the telephone, please press
13 star three. Either option will enable us to recognize
14 you and unmute you so that you can make your statement.
15 All right. I want to thank everyone for their comments
16 this evening. I would also like to remind anyone
17 listening that you may also submit comments by the
18 other means described earlier in the hearing and in the
19 March 26th, 2024 notice of public statement hearing.
20 You can submit comments by mail, by phone at 1-800-335-
21 2120, or electronically by visiting the Department of
22 Public Services website and inputting case number 23-E-
23 0727 and clicking on the Post Comment box on the
24 screen. We request that these comments be submitted by
25 May 1st, 2024 to ensure timely consideration by the

1 4/17/2024 - MarieAnn & Richard Cherry, et al - 23-E-0727
2 Commission. I want to thank everyone again for their
3 interest here this evening.

4 We also want to thank Commissioner
5 Maggiore for being present. Our Consumer Services
6 Office for administering this -- this session and our
7 court reporter. This public statement hearing is now
8 concluded and we are off the record.

9 (The hearing concluded at 6:54 p.m.)
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 4/17/2024 - MarieAnn & Richard Cherry, et al - 23-E-0727

2 STATE OF NEW YORK

3 I, MONIQUE HINES, do hereby certify that the foregoing was
4 reported by me, in the cause, at the time and place, as
5 stated in the caption hereto, at Page 1 hereof; that the
6 foregoing typewritten transcription consisting of pages 1
7 through 36, is a true record of all proceedings had at the
8 hearing.

9 IN WITNESS WHEREOF, I have hereunto
10 subscribed my name, this the 22nd day of April, 2024.

11
12 MONIQUE HINES, Reporter
13
14
15
16
17
18
19
20
21
22
23
24
25