

1 **Case No. 11-E-0408**

**Witness: Christopher P. St. Lawrence**

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3 **Q:** Please provide your name, title and business address

4

5 **A:** My name is Christopher P. St. Lawrence and I am the Town Supervisor for the  
6 Town of Ramapo. My business address is 237 Route 59, Suffern, New York 10901.

7

8 **Q:** For whom are you testifying in this proceeding?

9

10 **A:** The Town of Ramapo, Rockland County, New York

11

12 **Q:** What is your background and expertise as it relates to your testimony?

13

14 **A:** I was first appointed to the position of Ramapo Town Supervisor in 2000 and later  
15 elected to the position in 2001. I have held the position for the past 11 years. Prior to my  
16 Town service, I served the County of Rockland as a Rockland County Legislature for two  
17 terms. I served as Chairman of the Banking Committee, Chairman of the Special  
18 Committee on Computer Conversion, Chairman of the Special Committee on Labor  
19 Relations, Chairman of the Banking and Debt Restructuring Committee, Chairman of the  
20 Solid Waste Management Authority, Vice Chairman of the Budget and Finance  
21 Committee, Vice Chairman of the Planning and Public Works Committee, Member of the  
22 Rockland County Deferred Compensation Committee, Member of the Special Committee  
23 on Transportation and member of the Open Space, Groundwater protection Committee. I  
24 currently serve as Chairman of Ramapo River Intermunicipal Watershed Council,  
25 representing over twenty municipalities in the Counties of Rockland, Orange and Bergen  
26 County, New Jersey. I also currently serve as a member of the New York State  
27 Governor's Mid-Hudson Economic Advisory Council. Before holding elective office, I  
28 was a brokerage principal in the national Association of Security Dealers. Based upon my  
29 experience and years of service to the Town of Ramapo and the County of Rockland, I  
30 have a strong familiarity with the needs of my community.

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3 **Q:** What is the subject matter of your testimony?

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5 **A:** My testimony concerns the effects the Orange and Rockland Proposed rate  
6 increase will have on citizens of Rockland County and specifically the Town of Ramapo.  
7 The County of Rockland is confronting \$52 million budget that could climb as high as  
8 \$80 million by the year's end. Our County Executive recently unveiled his austerity  
9 budget for Rockland County which disturbingly calls for the laying off of 544 County  
10 employees. Rockland's financial stability is so dire, that Rockland County is weighing  
11 its options including the sale of County property to raise money to offset the County's  
12 deficit. County Executive Vanderhoef described the 2012 budget as "painful" and said  
13 "[W]e are re-inventing our County departments to change from providing services  
14 directly to administering outside services more efficiently and finding creative ways to  
15 serve our residents." News Release County of Rockland, Office of County Executive C.  
16 Scott Vanderhoef, October 24, 2011, County Executive Unveils Austerity Budget. The  
17 County's justifiable concern for our County's financial future is echoed across the state.  
18 New York State Assembly's Midyear Report on the Economic Forecast, Revenues and  
19 Expenditures reads of a similar theme. The Assembly's report provides "[k]ey economic  
20 indicators point to an ongoing but slow recovery." The release goes on to read "[w]hile  
21 the U.S. Economy began to recover from the "Great Depression" in 2009, there are signs  
22 of significant weakness defined by slow economic growth." Assembly Speaker Sheldon  
23 Silver News Release, November 17, 2011 Assembly Issues Midyear Report on Economic  
24 Forecast, Revenues and Expenditures. Understanding this Commission defines its  
25 primary mission as "to ensure safe, secure, and reliable access to electric, gas, steam,  
26 telecommunications, and water services for New York State's residential and business  
27 consumers, **at just and reasonable rates** (emphasis added) . . . the proposal as set forth  
28 by Orange and Rockland places an unreasonable burden upon the community and is  
29 clearly unjust. Orange and Rockland's filing makes clear their concern is addressed to  
30 shareholder returns rather than prudent budgeting and fiscal discipline.

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3 Many local and federal agencies are examining their budgets to find ways they  
4 can do more with less. The US Department of Energy has created initiatives focused on  
5 streamlining operations and cutting unnecessary spending. The U.S. Department of  
6 Energy too is looking at ways to make their department function more efficiently and  
7 effectively without increased costs. In a time where both public and private sector is  
8 learning to make more with less, Orange and Rockland does not apparently get the  
9 message. With Rockland County government forced to reinvent their departments and  
10 function more efficiently with potentially 544 less employees, Orange and Rockland  
11 should be required to tighten their belts as well. With 13.9 million workers unemployed  
12 across this nation and consumers concerned more with their declining incomes and less  
13 inclined to spend much of the burden falls on the shoulders of state of local government.

14

15 I lead Rockland County's largest town with over 120,000 residents. Despite the  
16 State's poor economic projections, Orange and Rockland is once again looking for a  
17 double digit increase in its proposal over the course of the next three rate years. Once  
18 again the Company's proposal will further burden the ratepayer that has been  
19 overburdened already. There is a time when one has to say enough is enough. It is  
20 incumbent upon us all to help our hardworking taxpayers cope with deteriorating  
21 economic conditions not further worsen them.

22

23 **Q:** What effects do you believe the proposed rate increase will have on your  
24 community?

25

26 **A:** The company's filing proposes a 17.1 % increase in municipal lighting. The  
27 Town of Ramapo is probably the third largest municipality in the Orange and Rockland  
28 system, utilizing more than 2,000 lighting fixtures in our jurisdiction. The lighting  
29 increase as proposed by the Company would undoubtedly directly impact the taxpayer.

30

31 One of the many issues the Town raised during Case. No. 10-E-0362 was the  
32 issue of the 2% policy inventory limitations on number of replacements fixtures within a

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3 year a customer can replace without additional costs. This policy has undeniably kept the  
4 Town of Ramapo hostage to inefficient, outdated and expensive street lighting system.  
5 With the current policy it is impossible to have a lighting system which is efficient and in  
6 the current Century's technology. *See* Case No. 10-E-0362 The Commission recognized  
7 in Case No. 10-E-0362 "the raising of the 2% limitation on fixture replacements and  
8 creating an energy-only service classification may enhance the ability of municipalities to  
9 reduce costs and energy usage by accelerating the adoption of newer, more efficient  
10 luminaires." Case No. 10-E-0362, Order Establishing Rates for Electric Services, pp 93,  
11 Issued June 17, 2011. Specifically, the Town inquired about the cost of replacement of  
12 greater than 2% of fixtures in a given year as well as the option of energy-only service.  
13 We do know for certain the Town of Ramapo is besieged with antiquated, inefficient  
14 street lighting fixtures. Many of which, parts are no longer available should repairs be  
15 required. This system simply does not make fiscal sense. These obsolete lighting fixtures  
16 are costing the Town of Ramapo hundreds of thousands of dollars unnecessarily. With  
17 this concern, the Town requested through interrogatories, during Case No. 10-E-0362,  
18 information regarding the age, and type of fixture to be broken down by village and  
19 towns. In return the Company responded with a chart titled "Distribution and Present and  
20 Proposed Cost by Municipality of Service Classification No. 4 Fixtures." The  
21 information contained in this chart was not explanative of the systems age as requested  
22 nor was it helpful in identifying the municipalities identified. Rather the chart appeared  
23 more evasive than informative. This calls to question why?  
24

25 While the Company is required, at no cost, to replace no more than two percent of  
26 the luminaires in the Town's lighting district in any one given year. *See*, Special Provision  
27 A of SC No. 4 the question arose as to what customer costs is the replacement above the  
28 2%. During the evidentiary hearings of Case No. 10-E-0362, on cross examination, the  
29 Company revealed that presently the cost of replacement over the two percent in a given  
30 year is the replacement charge based upon the net book value of the luminaires to be  
31 replaced. After concluding the hearings, the Town made further inquiries with the  
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3 Company regarding the net book value of the entire Town's street lighting system. The  
4 Company once again avoided providing such information. Upon receiving  
5 the Company's filing an explanation for their avoidance is apparent. The Company now  
6 seeks to change the special provision language to read "[t]he company shall not be  
7 required to replace more than two percent of the luminaires in any lighting district in any  
8 one year with one of a different type or design unless the customer shall pay to the  
9 Company a replacement charge for the excess equal to the Company's actual costs  
10 (material and labor) or performing the replacement." It appears since the Town revealed  
11 the possibility that many municipal lighting systems are outdated and antiquated thus  
12 having potentially little to no net book value the Company seeks to modify its Special  
13 Provision to once again make a dollar off the taxpayers. The Company now seeks to  
14 charge the SC4 class \$81.00 to survey a street light and \$280.00 for a connection and  
15 disconnection fee. The Company seeks to charge \$361.00 per luminair beyond the two  
16 percent a year. The timing of the Company's filing seems highly suspect. The Company  
17 has failed to abide by the Commission's directive of "a projection and explanation of the  
18 increased cost per luminaire that would be required for each 1% increase in the  
19 replacement rate." *See* Order, Case No. 10-E-0362, pg 93. Rather the Company has  
20 submitted a proposal to completely change the cost of replacement. Once again, the  
21 Company has provided absolutely no justification for the change in the Special Provision.

22

23 The Town has a commitment to our residents to investigate ways to minimize  
24 their pocket strain while lessening energy consumption and thus protecting our  
25 community. In such an effort, the Town of Ramapo, in rate case, 10-E-0362 made  
26 several inquiries into "greener" street lighting fixtures. LED lighting is being introduced,  
27 implemented across the country and hailed as the innovative technology. The LED street  
28 lighting technologies have vastly improved and have dropped considerably in cost. Town  
29 of Ramapo is not dissimilar to many municipalities in that it is our obligation to research  
30 and examine ways to make our community safer and save money while protecting our  
31 environment. Municipalities across the nation have switched to LED street light fixtures  
32 reducing energy consumption and energy costs for its ratepayers. Fort Fairfield Maine

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3 replaced 174 street lights with LED lighting which expects a savings of \$19,000 per year  
4 for at least the next 12 years. *See* U.S. Dept of Energy website, Maine Community  
5 Seeing Things in an New Light, June 23, 2011. The City of Pocahontas Iowa is  
6 beginning to switching out 266 of its street light fixtures for LED ones. The City expects  
7 an annual savings of \$17,476.20. *See* U.S. Dept of Energy website, New Rules Help  
8 Pocahontas Brighten Streets, October 21, 2010. The switch to LED street lighting is  
9 being seen across this nation in cities and small municipalities alike and these are but a  
10 few examples. When exploring this “green” option with Orange and Rockland relative to  
11 street lighting, we are repeatedly faced with much difficulty. Initially, during informal  
12 inquiries between the Town officials and the Company, the Company was simply  
13 unresponsive to our requests for information. Later within the last rate Case No. 10-E-  
14 0362 the Company, with much reluctance, testified there were currently two LED street  
15 lighting fixtures available to municipalities. Finally, post case during meetings and  
16 discussions with the Company, the Town requested to view the LED luminair options and  
17 requested our system’s net book value, but were met once again with obstacles and  
18 barriers. The Company evaded and avoided the Town’s requests. But this has not  
19 prevented the Company for including in its filing \$2.7 million for a new tracking system  
20 for customer-owned street lighting facilities. Interestingly, these costs will be allocated  
21 to all customer classes. *See*, Response to Staff interrogatory, Question No. 134. This  
22 filing is pre-mature. Company continues to evade the Town’s inquiries, yet they are  
23 billing now for a customer-owned service that has yet to occur. Additionally, a view of  
24 the systems outlined does not demonstrate the causal relationship between the system  
25 update and customer-owned street lighting facilities. The Company has not adequately  
26 demonstrated how the Work Management System (WMS) which the Company currently  
27 uses to create construction orders for field crews must be updated to accommodate  
28 specifically customer-owned street lighting. Nor has the Company provided any  
29 explanation on why the Customer Information Management System (CIMS) needs  
30 updating to accommodate customer-owned street lighting facilities. A justification has  
31 clearly not been demonstrated. Currently, customer owned street lighting facilities are  
32 offered to the private sector, yet only now the Company is prematurely imposing

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3 \$2,714,200 million of system updates that may not now or ever be utilized by  
4 municipalities. Simply because the Commission has ordered the Company to develop a  
5 proposal for energy-only street lighting service does not grant the Company the authority  
6 for an open ticket towards unnecessary spending.

7

8 **Q:** The issue of double utility poles is one you raised during the Case No. 10-E-0408,  
9 is there anything to add to your testimony concerning the issue with double poles.

10

11 **A:** The Company previously reported finding 39 double wood poles on a single route  
12 in the Town. The Company committed to addressing 8 of the 39 in the Spring of 2011.  
13 The Company also committed to conducting a survey of all double poles in the Town in  
14 the Spring of 2011 and develop a plan of action for their removal. The Commission has  
15 ordered the Company file a report with the staff by January 1, 2012. The Town has not  
16 received any information or updates from the Company that any of the 8 poles were  
17 corrected. The Town is very eager for the Company to rectify the double pole problem.  
18 Double poles pose a dangerous threat to our residents. While double/deteriorating poles  
19 have contributed to fatalities across the country, it wasn't until March of 2011 that the  
20 Town suffered its first fatality. A 20 year old Suffern young man was killed and two  
21 others severely injured when his car hit a double pole on a Town road. Police report that  
22 the young man lost control of his car and struck a double utility pole. The Company must  
23 not waste any more time in correcting this problem. Our community should not have to  
24 suffer the tragic loss of another life!

25

26 **Q:** What additional testimony would you like the Commission to consider?

27

28 **A:** Following Hurricane Irene and tropical storm Lee the Town of Ramapo was  
29 complimentary of the Orange & Rockland Response. There were several instances of  
30 collaborative response with the Company and town during emergency situations. The  
31 following snow storm has been a much different situation. The company response needs

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3 to be analyzed. Most critical of the issues for the town is public safety. Fortunately, we  
4 did not have a loss of life during the initial 24-48 hours following the impact of the snow.

5

6 A new term by emergency services seems to have been coined by our emergency  
7 services, "sit on a wire." On a routine basis police and fire departments are called upon to  
8 respond to an incident where electrical wires are live and down on the ground. Generally  
9 a call to O&R initiates a prompt response. October's early fall snow had an extreme  
10 amount of downed wires. In fact an element of the response study must include a  
11 thorough review of notification times, response times and service completion times. We  
12 have begun reviewing our Police Department responses and some of our fire department  
13 responses. It is dismal.

14

15 During the storm, every available Police Unit was "sitting on a wire." This is  
16 exactly what it sounds like. Due to a live wire down and the potential risk for injury a  
17 police car was dispatched for safety reasons. As more and more wire calls came in police  
18 supervisors were required to assess the risk and make a judgment to "pull" a car from the  
19 site and mark it with cones and/or flares. Often the reason was a response to a traffic  
20 incident. Calls were made to Orange & Rockland in every incident and eventually at one  
21 point a Company representative was at the Town Police Dispatch center to facilitate the  
22 response.

23

24 One of our town fire departments indicates they had 70 wire responses and they  
25 have just eight vehicles in total, including fire trucks and chief vehicles. The following  
26 text is from a fire department log: *"6 Vincent Road called to location for a house fire.  
27 On arrival found a fire on the exterior of the house caused by the house electrical service  
28 from pole, O&R was called for a fire cut a O&R supervisor came to scene removed the  
29 meter from inside the garage of the house. The house service was still energized causing  
30 the fire to continue to burn, it took several more calls to O&R to get the service cut 2½ to  
31 3 hours later so the fire could be put out 10/20/11."* This delayed response is  
32 unacceptable and unconscionable . At another location a wire started a parked vehicle  
fire, O&R was called, they were called again when it spread to a second vehicle,

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5 and called again when a third vehicle was enflamed. It is reported that since no life was  
6 at risk, they could not respond.

7

8 The fire departments alone are not equipped to deal with fire that is energized by  
9 live electrical wires. With the police departments stretched to the maximum in snow  
10 emergency conditions with road and vehicle issues, live wires must be O&R's priority.  
11 Did the company ever consider shutting down major sections of the grid if they did not  
12 have the capacity to insure public safety?

13

14 A Monmouth County New Jersey lawsuit regarding a 7200 volt electric line in the  
15 driveway found the local fire department 60% responsible and Jersey Central power &  
16 Light 40% liable in a \$20.5 million case. The court determined the fire department  
17 departed from the scene without taking sufficient action to prevent the accident.

18

19 O&R's response failure jeopardized the safety of the Town's residents and  
20 exposed the Town and emergency services to significant financial liability.

21

22 I request that the Commission order the Company to conduct a feasibility study to  
23 convert the system to underground cabling. An underground system would significantly  
24 reduce the cost of vegetation management as well as significantly reduce storm damage  
25 to the system and ensure safety to our residents.

26

27 My office received over 100 calls from residents, many with critical needs. The  
28 ability to ascertain when power would be restored was near impossible. Although O&R  
29 did provide an "inside number" that we called to check status of critical need residents,  
30 this system is clearly inadequate.

31

32 In the days immediately following the snow storm I initiated a town wide survey  
to locate utility repair trucks. The utility trucks were not prominent on Ramapo roads. It

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3 felt like the company was concentrating its resources in other localities and was trying to  
4 give the impression that all communities were being serviced at the same time. As we  
5 began to see out of area utility service vehicles we spoke with the crews. The responses  
6 were not satisfactory. There appeared to be a “lack of communication” between O&R and  
7 the out of area crews. Several times as we waited in parking areas with crews for an  
8 O&R representative to give direction, hours passed.

9

10 We look forward to the after-action review that should be conducted by the Public  
11 Service Commission. No doubt the expense the Company will be submitting will provide  
12 rate shock.

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CHRISTOPHER P. ST.LAWRENCE  
TOWN OF RAMAPO SUPERVISOR