

1 11/14/2023 - Brooklyn Union & KeySpan Gas - 23-G-0225/0226

2 STATE OF NEW YORK

3 PUBLIC SERVICE COMMISSION

4 CASE 23-G-0225 - Proceeding on Motion of the
5 Commission as to the Rates, Charges, Rules and
6 Regulations of The Brooklyn Union Gas Company
7 d/b/a National Grid NY for Gas Service.

8
9 CASE 23-G-0226 - Proceeding on Motion of the
10 Commission as to the Rates, Charges, Rules and
11 Regulations of KeySpan Gas East Corporation d/b/a
12 National Grid for Gas Service.

13
14 PUBLIC STATEMENT HEARING

15 DATE: November 14, 2023 at 1:23 p.m.

16 LOCATION: Brooklyn Central Library
17 The Dweck Center
18 11 Grand Army Place
19 Brooklyn, New York 11238

20 BEFORE: ALJ DAKIN D. LECAKES

21 ALJ MAUREEN F. LEARY

22
23 Reported by Danielle Christian
24
25

1 11/14/2023 - Brooklyn Union & KeySpan Gas - 23-G-0225/0226

2 (The hearing commenced at 1:23 p.m.)

3 A.L.J. LEARY: On the record. I call
4 Case 23-G-0225, Proceeding on Motion of the
5 Commission as to Rates, Charges, Rules and
6 Regulations of the Brooklyn Union Gas Company doing
7 business as National Grid New York for Gas Service.
8 There's a second case that Mr. Diccico is not, I
9 believe, strictly within this service territory, but
10 the accompanying case is Case 23-G-0226, Proceeding
11 on Motion of the Commission as to the Rates, Charges,
12 Rules and Regulations of KeySpan Gas East Corporation
13 doing business as National Grid for Gas Service.

14 The service territory for that company
15 is on Long Island. The company we call KEDNY, as
16 Judge Lecakes advised you, is really going to be the
17 focal point of this public statement hearing, and I
18 assume you are rate payers here in Brooklyn.

19 Again, welcome. I want to just go
20 through a little bit of what this hearing is about
21 today. It's all about hearing your comments. This
22 hearing was noticed by the Secretary to the Public
23 Service Commission on October 16th, 2023. That was a
24 formal notice that's filed on our website. It's
25 available to you. I also brought copies of it in

1 11/14/2023 - Brooklyn Union & KeySpan Gas - 23-G-0225/0226

2 both English and Spanish that are at the registration
3 desk.

4 And we do not have a translator yet,
5 but if you need -- you -- you are here? Great. Will
6 you see Sangeetha at the registration table? She
7 should be right out there with the equipment. We do
8 have a translator if you need language access help if
9 you're Spanish speaking.

10 Again, my name is Maureen Leary, I am
11 an administrative law judge for the Department of
12 Public Service. There's a third administrative law
13 judge. His name is James Costello, and the two of
14 us, with Chief Judge Lecakes, are responsible for
15 overseeing this proceeding. It's a very complicated
16 one. Rate cases are. But we're responsible for
17 hearing you today and for also compiling a complete
18 record for the Commission's consideration.

19 And our Commissioners are six at this
20 time. Our chair is Rory Christian. He may be here
21 this evening if you want to come back. Or, no, he's
22 in Mineola tomorrow if you want to head out to
23 Mineola. He very often participates in these, as do
24 many other Commissioners. The other Commissioners
25 are Diane Burman, James Alesi, let's see, John

1 11/14/2023 - Brooklyn Union & KeySpan Gas - 23-G-0225/0226

2 Maggiore, David Valesky and --

3 A.L.J. LECAKES: John Howard.

4 A.L.J. LEARY: -- John Howard. I get
5 the first names mixed up a little bit but anyway. So
6 as some of you know, we held a virtual public
7 statement hearing back in August. Some of you may
8 have spoken. I do want to tell you there are not so
9 many people here, but if you have provided comments
10 at a virtual or at an in-person hearing you don't
11 need to come to another meeting. Your -- your
12 comments will be noted in a transcript that this
13 young woman, Ms. Christian, is keeping for us. And
14 that transcript will be posted to the Department's
15 website.

16 So this hearing is all about the
17 changes that Mr. Dicicco talked about and they are
18 changes in gas delivery rates, and generally this
19 case is an 11 month process. Sometimes a little bit
20 more because the parties are in negotiations. But
21 this process began in April, on April 28th, 2023,
22 when the Companies filed proposals to increase their
23 annual gas delivery revenues, which will be effective
24 March 31st, 2024.

25 KEDNY proposes to increase its

1 11/14/2023 - Brooklyn Union & KeySpan Gas - 23-G-0225/0226
2 revenues by \$414 million, representing a 28% increase
3 in base delivery revenues or a 17% increase in total
4 revenues. They would be -- those increases will be
5 reflected on your utility bill. The actual bill
6 impacts on various customers is not subject to a
7 definitive statement right now. As you heard from
8 Mr. Dicicco, the typical customer will pay about 20%
9 more, about \$34 more per month.

10 And yet customers are in all different
11 kinds of classes. Most of you here are probably in a
12 residential class. There are commercial classes if
13 you own a small business. There are industrial
14 classes if you own a real big business. All of those
15 rate impacts will be different.

16 So what's our role today? We're
17 really just here not in a question and answer mode or
18 an evidentiary hearing mode. But to listen to you,
19 to listen to what your position is on this rate
20 filing. I want to make sure that you know that the
21 two numbers I called, one of which is 23-G-0225. The
22 other is 23-G-0226, they're your entrance into our
23 website to gain information about the case and the
24 filing and peoples' positions. And they file
25 testimony in there, there are motions in there.

1 11/14/2023 - Brooklyn Union & KeySpan Gas - 23-G-0225/0226

2 There's a lot of information that you can access but
3 you need those two numbers, so please take note of
4 those.

5 So I mentioned this a minute ago.

6 Many rate case filings result in a negotiated
7 settlement. And it's -- it's actually a really good
8 thing. That may happen here. But, again, you will
9 be given an opportunity to comment on whatever
10 settlement agreement is reached in writing. And
11 remember the commission is the ultimate decision
12 maker and they will review the entire record,
13 including your comments in this proceeding. Your
14 comments are important. But they will -- they will
15 make the decision here.

16 So let me tell you a little bit more
17 about the process today that we're going to follow.
18 I'm going to call the registered speakers up in the
19 order in which they registered. I think you can come
20 up here to this podium. We'll hear you over here but
21 it's effective for people to address the audience.
22 And please when you come up, after I've called your
23 name, state your name very clearly and spell your
24 last name for the court reporter so that she makes
25 sure that it is correct.

1 11/14/2023 - Brooklyn Union & KeySpan Gas - 23-G-0225/0226

2 You want to be speaking slowly. I'm
3 not the slowest speaker but it's very helpful for the
4 court reporter to take down your words accurately if
5 you put a little bit of a pace on them that's a
6 little bit slower maybe than normal. I'd also like
7 to stress that this is not your only opportunity to
8 comment. You can comment in other ways. The notice
9 that I have in written form at the registration desk
10 will give you those other ways to comment, one of
11 which is to e-mail the Secretary. The other is to
12 post your comment in this case on our website.

13 Again, explore the website or if you
14 have any questions you can come up and see me about
15 accessing it. You can also just submit something in
16 writing and send it by snail mail. However you
17 choose to do it, your comment will become a part of
18 the record in this proceeding and it will be
19 considered by the Commission. They're very
20 important. So if you'd like to make a statement
21 today and you've not already done so, please return
22 to the registration table, complete a card and our
23 Office of Consumer Services and public outreach folks
24 will bring it to me. And -- and we'll get you up
25 here to speak.

1 11/14/2023 - Brooklyn Union & KeySpan Gas - 23-G-0225/0226

2 So last I would ask everyone just to
3 be respectful of all the speakers today. Applause,
4 of course, is always good but heckling isn't. So
5 please be respectful. If you have really lengthy
6 comments, I would ask that you summarize those and
7 then submit them in writing to the Commission just so
8 we save a little bit of time and can hear from
9 everyone. We don't have that many speakers so I'm
10 not going to impose a time limit, but do be
11 respectful that there are other people after you that
12 may want to speak.

13 So with that I'm going to call our
14 first speaker. And it is Cheryl Saunders. Cheryl
15 Saunders, come on up. And Andrew Saavedra, you are
16 on deck.

17 MS. SAUNDERS: Thank you, Judge Leary,
18 for this opportunity to share. Cheryl Saunders,
19 consultant for the Positive Community. Saunders, S-
20 A-U-N-D-E-R-S. We are delighted to state that
21 National Grid has been supporting and partner with
22 our community's nonprofits, neighborhoods, churches
23 and local media.

24 Rudy Mint -- Rudy Winter, the
25 president of National Grid and his team are doing the

1 11/14/2023 - Brooklyn Union & KeySpan Gas - 23-G-0225/0226

2 right thing. We believe National Grid continues to
3 be fair and move our society forward. This utility
4 is a model that corporate America needs to follow.
5 Rudy Winter addressed the African American clergy --.

6 A.L.J. LEARY: Hold on one second.

7 I'm sorry.

8 MS. SAUNDERS: Yeah. Rudy Winter
9 addressed the African American clergy and elected
10 officials during a breakfast meeting at Antioch
11 Baptist Church in Brooklyn. Not only did National
12 Grid sponsor the breakfast but also Mr. Winter was
13 there from 8 a.m. until the end of the meeting around
14 11:30. During this meeting he and his team shared
15 National Grid's Project C initiatives.

16 The goals included reducing reliance
17 on the energy and oil and natural gases as well as
18 increasing energy efficiency. In addition, National
19 Grid is dedicated to ensuring equitable and safe,
20 clean energy by providing reliable, affordable energy
21 for all New Yorkers.

22 On March 30th, 2023 at the Greater
23 Harlem A.M.A. Church in Jamaica Queens, National Grid
24 launched the grid collective which is a growing green
25 businesses of job opportunities. The public was

1 11/14/2023 - Brooklyn Union & KeySpan Gas - 23-G-0225/0226

2 invited to a workshop to help promote their programs
3 of offering training and certifications for clean
4 energy job opportunities that would lead to well-
5 paying careers. So clearly National Grid wants to
6 make sure that brown and black communities are not
7 left behind.

8 The Positive Community is a black-
9 owned profit media organization and the Positive
10 Community is proud to be a partner with National
11 Grid. And we're very proud of our collective journey
12 to continue to achieve equitable and clean energy
13 future for its New Yorkers. Thank you.

14 A.L.J. LEARY: Thank you. Andrew
15 Saavedra and Jodie Leidecker, you are on deck.

16 MR. SAAVEDRA: Okay. How does this
17 sound? Is this okay? It's Andrew Saavedra. The
18 last name is S-A-A-V-E-D-R-A. Good afternoon, Judge
19 Leary and Chief Judge Lecakes. Like I said, my name
20 is Andrew Saavedra and I'm an attorney with the
21 Public Utility Law Project of New York, a.k.a. PULP.
22 I'm also a National Grid customer.

23 PULP is a 40-year-old nonprofit whose
24 mission is to educate, advocate and litigate on
25 behalf of low and fixed-income utility customers

1 11/14/2023 - Brooklyn Union & KeySpan Gas - 23-G-0225/0226

2 throughout New York State. I'm here this afternoon
3 to highlight some of PULP's concerns with National
4 Grid's proposed rate increase and to encourage the
5 commission to closely examine this requested increase
6 to ensure that customers are not saddled with unjust
7 rates.

8 During the August public statement
9 hearings on this rate case, I noted that in June of
10 2023 there were 253,682 accounts in the company's
11 service territories that were at least 60 days behind
12 on their gas bills. As of September there were
13 244,450 accounts at least 60 days behind. A
14 reduction of roughly 9,000 households. While this is
15 an encouraging development, the fact remains that
16 these families owe a combined \$177 million in past
17 due bills.

18 Moreover, there are provisions in this
19 rate case that could place all ratepayers on the hook
20 for over \$2 billion in costs incurred by National
21 Grid. If you were to walk a few -- a few blocks west
22 of here down Union you would eventually cross the
23 Gowanus Canal, a superfund site. National Grid is
24 one of many entities that have been identified as
25 partly responsible for the pollution of the canal and

1 11/14/2023 - Brooklyn Union & KeySpan Gas - 23-G-0225/0226
2 will be charged a proportional rate of the share of
3 cleanup costs.

4 Under this proposed rate case,
5 National Grid will be permitted to recover these
6 cleanup costs along with those incurred at the
7 Newtown Creek Superfund site from its customers
8 through increases in our monthly bills. As of 2022,
9 National Grid's deferred environmental cost balance,
10 that is the amount that it eventually expects to
11 collect from ratepayers to pay for cleanup, had risen
12 to just over \$2 billion.

13 PULP has proposed that instead of
14 saddling these costs entirely on the customers,
15 National Grid should, at the very least, share the
16 burden by using a greater share of its profits above
17 their allowed return on equity to pay down the
18 deferred environmental cost balance. This is just
19 one of many issues that PULP has written about in our
20 initial and rebuttal testimony in this case, and we
21 continue to be an active participant as the process
22 continues. We looked forward to continuing our
23 advocacy on behalf of low and fixed-income New
24 Yorkers and I appreciate you both taking the time to
25 listen today. Thank you.

1 11/14/2023 - Brooklyn Union & KeySpan Gas - 23-G-0225/0226

2 A.L.J. LEARY: Thank you. Ms.
3 Leidecker? Great. Come down. Excellent. And
4 Celeste Streeter is on deck next.

5 MS. LEIDECKER: Hi, my name is Jodie
6 Leidecker. It's spelled L-E-I-D-E-C-K-E-R. I'm here
7 to say that National Grid is for profit. To increase
8 profits they want to tie us to more and more fossil
9 fuel infrastructure. In May they reported their
10 profits went up 12% to 4.9 billion British pounds
11 while the majority of New Yorkers are already rent
12 burden and becoming increasingly utility burdened.

13 I also found today that Fortune
14 magazine said their profits went 192%. That's on the
15 backs of working people. Now my house is just a few
16 steps from the National -- from the North Brooklyn
17 pipeline, and if it's leaking I will bear the health
18 effects as I age. Every four days in America we know
19 a pipeline explodes, and I am living near unnecessary
20 risk to my health and life so National Grid can
21 continue to increase profits on those outdated
22 infrastructure.

23 So we need to end our reliance on
24 fossil fuels like the Greenpoint Energy Center. And
25 those things are barely used. They're unnecessary,

1 11/14/2023 - Brooklyn Union & KeySpan Gas - 23-G-0225/0226

2 they're extremely risky and we have growing climate
3 risks. We've had recent hurricanes, smoke
4 emergencies and ongoing unsafe air from climate
5 change that's only going to intensify.

6 That's why I'm here today to say we
7 need to get rid of and not replace the gas
8 infrastructure because New York State Law requires
9 that we get off all fossil fuels by 2050. But we
10 don't want to pay 3.8 billion for National Grid to
11 invest in outdated gas systems that's going to keep
12 bringing fossil fuels up into the 2080's. We want to
13 retire the Greenpoint Energy Center, 287 Maspeth. We
14 want an independent expert study to commence
15 detailing a plan to retire the facility by 2030
16 permanently.

17 Our community previously fought for an
18 independent expert study of L.N.G. vaporizers here
19 and the findings showed that they were indeed not
20 needed. We insist upon this same process for the
21 Greenpoint Energy Center requested investments. We
22 should not take National Grid's word that this
23 facility is even needed let alone spend nearly half a
24 billion dollars to expend -- extend its lifespan.

25 And last I'll say my dad was a union

1 11/14/2023 - Brooklyn Union & KeySpan Gas - 23-G-0225/0226

2 millwright for decades, and my daughter is going to
3 start an electrician training program. She wants to
4 be a union person moving us off this outdated
5 dangerous infrastructure to clean energy. I know my
6 dad would be really proud of her. The personnel that
7 install and maintain these fossil fuel infrastructure
8 systems can use their skills to install and maintain
9 safer climate friendly stuff like thermal energy
10 networks. It's the exact same skillset. That's what
11 John Murphy said who is representative for the New
12 York State Pipe Trades Association. And thank you.

13 A.L.J. LEARY: Thank you. Ms.
14 Streeter, come on up.

15 MS. STREETER: Good afternoon
16 everyone. Good afternoon the Honorable Judge Leary
17 and Judge Chief Lecakes. Thank you for allowing me
18 this time to speak. Can you guys hear me? Okay. As
19 a member of the Transport Workers Union Local 101
20 executive team I represent --. I'm sorry, I forgot
21 to tell you my name.

22 A.L.J. LEARY: Yes.

23 MS. STREETER: My name is Celeste
24 Streeter. Last name is spelled S-T-R-E-E-T-E-R.
25 Okay. Good afternoon again. My name is Celeste

1 11/14/2023 - Brooklyn Union & KeySpan Gas - 23-G-0225/0226

2 Streeter and as a member of the Transport Workers
3 Union Local 101 executive team, I represent more than
4 1,500 National Grid employees in Brooklyn and Queens.
5 My members and I are proud of the critical role we
6 play in keeping lights and heat on year round even
7 during extreme weather and the building
8 infrastructure needed to achieve New York's clean
9 energy goals.

10 National Grid's rate case proposal
11 would assure the company has the resources it needs
12 to continue providing safe, reliable service while
13 supporting an equitable transition to clean energy.
14 I'm sorry, my throat always gets dry when I public
15 speak. As National -- as a National Grid employee,
16 the members of T.W.U. Local 101 know for the -- from
17 firsthand experience that the company is not just
18 dedicated to providing reliable service to New York
19 households and businesses but also to supporting the
20 communities where we live, work and raise our
21 families.

22 National Grid is the -- and for --
23 first and foremost an energy company with an
24 obligation to provide dependable service to
25 households and businesses in New York today.

1 11/14/2023 - Brooklyn Union & KeySpan Gas - 23-G-0225/0226

2 However, the company is also on the frontlines of
3 planning and executing New York's clean energy
4 transition. National Grid takes these dual
5 commitments -- planning dual commitments incredibly
6 seriously and is working strategically to balance
7 investments in our existing energy network that are
8 needed to ensure safe, reliable service with new
9 renewable energy projects that will enable us to meet
10 the goals established in the Climate Leadership and
11 Community Protection Act.

12 National Grid knows that skilled
13 workers are essential to following through on these
14 commitments and is working in close partnership with
15 us and other unions to ensure we have the skills and
16 support needed to build long-term careers in the
17 energy industry. The company has made huge
18 investments in educational programs and skills
19 training with a focus on creating opportunities for
20 people who have been shut out of the energy industry
21 in the past. This commitment to support New York's
22 existent energy workforce while building a more
23 inclusive energy industry where all New Yorkers have
24 a chance to succeed ensures we have the skills,
25 workers -- we have the skilled workers we need to

1 11/14/2023 - Brooklyn Union & KeySpan Gas - 23-G-0225/0226

2 follow -- to follow and achieve New York's clean
3 energy commitments.

4 National Grid's dedication to
5 customers and employees is impressive on its own.
6 But National Grid goes above and beyond with
7 investments in the communities our members and other
8 employees call home from devoting hundreds of
9 volunteer hours to projects in partnership with the
10 Brooklyn Public Library, N.I.A. Brooklyn, Campaign
11 Against Hunger, the Florence E. Smith Senior Service
12 Center and City Parks Foundation to donating tens of
13 thousands of dollars to local nonprofits like the
14 Brave House, five -- Brave House, 500 Men Marketing
15 Difference, City Growers, (unintelligible) Space,
16 Sports Oriented Nurturing Youth Partnership and the
17 Alex House project. Giving back to the community is
18 at the core of National Grid's identity.

19 Clearly, National Grid is a valuable
20 corporate citizen that goes above and beyond to
21 support New York communities. As National Grid
22 employee and residents of the communities the company
23 serves, the members of the T.W.U. Local 101 are proud
24 to support the company as it seeks resources needed
25 to continue to -- needed to -- needed to continue the

1 11/14/2023 - Brooklyn Union & KeySpan Gas - 23-G-0225/0226

2 critical work of providing safe, reliable and clean
3 energy to New York. Thank you for your time.

4 A.L.J. LEARY: Thank you. Helene
5 Filion Onserud. Is that -- am I messing --?

6 MS. ONSERUD: Onserud.

7 A.L.J. LEARY: What is it?

8 MS. ONSERUD: Onserud O-N-S-E-R-U-D.

9 A.L.J. LEARY: Oh, R, I'm sorry.
10 Onserud.

11 MS. ONSERUD: No problem. No, it's
12 Norwegian. Filion is French.

13 A.L.J. LEARY: Okay.

14 MS. ONSERUD: Good afternoon and thank
15 you for allowing me to speak. My name is Helene
16 Filion Onserud. I'm a member of the No North
17 Brooklyn Pipeline Alliance, and I'm also a resident
18 of Brooklyn. I think that over the last summer we
19 all experienced the orange skies and the very
20 unhealthy air quality levels from smoke of forest
21 fires that came from 800 miles away. And also the
22 intense flash floods upstate and one that paralyzed
23 the city.

24 Those were tangible signs that the
25 climate crisis is no longer in the future. But there

1 11/14/2023 - Brooklyn Union & KeySpan Gas - 23-G-0225/0226

2 are other even more worrisome climate events that are
3 much less tangible to us because they are far away.

4 A recent research report about the situation with
5 Antarctica was so alarmed to the scientists present
6 that they issued a collective communication calling
7 climate change an all-out emergency.

8 They warned that we barely have six
9 years to avoid very serious irreversible chain
10 reactions that will be beyond human control to stop.
11 This is not to stop the impacts already with us but
12 to avoid the point of no return. So we're barely on
13 course to meet the target agreed upon in the Paris
14 Accord. And I am concerned that government and
15 corporations such as National Grid are operating as
16 if business is as usual when we need to move as if
17 we're on the edge of climate disaster, which we are.

18 As a social worker, I'm very concerned
19 about the situation that -- the situations that are
20 being created by the human -- the climate justice
21 crisis as it already affects millions of people
22 throughout the world. Most of them people of color
23 of the global south. I am now facilitating groups of
24 social workers from different countries in three
25 different continents including Africa. And I get to

1 11/14/2023 - Brooklyn Union & KeySpan Gas - 23-G-0225/0226

2 hear firsthand how this international crisis is
3 affecting other parts of the world in extremely
4 unfair ways.

5 While the request National Grid is
6 making will have an immediate impact on the local
7 level, this crisis is international, and every
8 decision made will end up affecting everyone. So in
9 the light of the fact that National Grid's request
10 will affect the climate justice locally -- there's --
11 from a justice crisis locally as well as
12 internationally, I ask the Public Service Commission
13 to take very seriously the following point that Jodie
14 already made.

15 Retire don't replace gas
16 infrastructure. New York State Law requires that we
17 get off all fossil fuels by 2050 to mitigate the
18 climate disasters unfolding in real time in front of
19 us. We should not be paying \$3.8 billion for
20 National Grid to invade -- invest in their outdated
21 gas system that would keep us burning fossil fuels
22 into the 2080's.

23 Retire the Greenpoint Energy Center at
24 287 Maspeth Avenue in Brooklyn. We want an
25 independent expert study to commence detailing a plan

1 11/14/2023 - Brooklyn Union & KeySpan Gas - 23-G-0225/0226

2 to retire the facility by 2030 permanently.

3 Investing 447 million is an irresponsible use of our
4 money. Our community previously fought for an
5 independent expert study of L.N.G. liquefied natural
6 gas vaporizers at the same facility before investing
7 tens of millions of dollars in that project.

8 The findings shows that they were
9 indeed not needed. We insist upon the same process
10 for the Greenpoint Energy Center requested
11 investments. We should not take National Grid's word
12 that this facility is even needed let alone spend
13 nearly half a billion dollar to expend its lifespan.
14 The personnel that install and maintain fossil fuel
15 systems can use their skills to install and maintain
16 thermal energy networks, a really incredible way of
17 thinking about energy for buildings in the future.
18 It's the exact same skillset said John Murphy, the
19 international representative for the New York State
20 Pipe Trades Association that represents over 24,000
21 plumbers, steamfitters, sprinkler fitters and
22 H.V.A.S. technicians across New York State. In
23 short, we should not pay to be poisoned. Thank you.

24 A.L.J. LEARY: Thank you. So I've
25 reached the end of all of our registered speakers. I

1 11/14/2023 - Brooklyn Union & KeySpan Gas - 23-G-0225/0226

2 just want to ask if anyone who's in the audience
3 would like to provide a public statement. Don't be
4 shy. Okay. Let the record reflect that we have
5 reached the end of our registered speakers providing
6 comments, and I just want to remind all of you that
7 there are other ways to comment.

8 This -- the mechanisms are in writing,
9 they can come in by phone, by e-mail, by snail mail,
10 et cetera. I also want to make sure you know that
11 there are additional public statement hearings being
12 held this evening. We will be here from 5 o'clock
13 going forward for the second public statement
14 hearing. At the same time there is a hearing out in
15 Jamaica, Queens at the Oneness Pentecostal Tabernacle
16 on Linden Boulevard.

17 And tomorrow, the 15th of November,
18 there will be a public statement hearing at 6 p.m. at
19 the Jewish -- Jewish Community Center on Staten
20 Island. That's on Manor Road in Staten Island. And
21 then tomorrow evening a hearing will be held at the
22 Peter Schmidt Legislative Chamber out on Long Island
23 in Mineola. That's on Franklin Avenue. That starts
24 at 6 p.m. So we have two busy days of accepting
25 public comments, and you're welcome to attend any of

1 11/14/2023 - Brooklyn Union & KeySpan Gas - 23-G-0225/0226

2 those or to tell friends, family that live in the
3 area. These hearings are open and we welcome their
4 comments.

5 Again, thank you all for participating
6 today. It's really important to our work that you're
7 here, and I know it takes time out of your busy day
8 to come here. And we much appreciate it. I want to
9 thank the Brooklyn Public Library for having us. I
10 don't know if there's a representative here but, you
11 know, be vocal about that on your way out. Just tell
12 them thank you. Many thanks to Ms. Christian. I'll
13 see you tonight. And our Department outreach staff
14 who are always wonderful. Thank you to the Company
15 for your presentation and with that this hearing is
16 concluded and we are off the record.

17 (The hearing concluded at 1:56 p.m.)

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1 11/14/2023 - Brooklyn Union & KeySpan Gas - 23-G-0225/0226

2 STATE OF NEW YORK

3 I, DANIELLE CHRISTIAN, do hereby certify that the
4 foregoing was reported by me, in the cause, at the time
5 and place, as stated in the caption hereto, at Page 1
6 hereof; that the foregoing typewritten transcription
7 consisting of pages 1 through 24, is a true record of all
8 proceedings had at the hearing.

9 IN WITNESS WHEREOF, I have hereunto
10 subscribed my name, this the 20th day of November, 2023.

11

12 DANIELLE CHRISTIAN, Reporter

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