

1 9/12/2023 - Central Hudson - 23-E-0418/23-G-0419

2 STATE OF NEW YORK

3 PUBLIC SERVICE COMMISSION

4 Case 23-E-0418 - Proceeding on Motion of the
5 Commission as to the Rates, Charges, Rules and
6 Regulations of Central Hudson Gas & Electric Corp.
7 for Electric Service.

8
9 Case 23-G-0419 - Proceeding on Motion of the
10 Commission as to the Rates, Charges, Rules and
11 Regulations of Central Hudson Gas & Electric for Gas
12 Service

13 PUBLIC STATEMENT HEARING

14 DATE: September 12, 2023

15 TIME: 5:18 p.m. to 5:45 p.m.

16 VENUE: WebEx

17 BEFORE: A.L.J. Ashley Moreno

18 A.L.J. James A. Costello

19 Lucrecia Harry, Interpreter

20 Afrika Tajadillo, Interpreter

21
22 Reported by: Anthony McClain
23
24
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2 (The public statement commenced at
3 5:10 p.m.)

4 A.L.J. COSTELLO: I call Cases 23-E-
5 0418 and 23-G-0419 Proceedings on Motions of the
6 Commission as to the Rates, Charges, Rules and
7 Regulations of Central Hudson -- Hudson Gas and
8 Electric Corporation for Electric and Gas Service.

9 Good evening. We are here today for a
10 public statement hearing that was noticed on August
11 18, 2023. On July 31st, 2023 Central Hudson Gas and
12 Electric Corporation, which I will refer to as
13 Central Hudson, filed amendments to its electric and
14 gas tariff schedules proposing to increase its annual
15 electric and gas delivery revenues effective July
16 1st, 2024.

17 Central Hudson proposes to increase
18 its electric delivery revenues by approximately
19 \$139.5 million which would be a 31.9% increase in
20 base delivery revenues or a 16.4% increase in total
21 revenues. It also proposes to increase its natural
22 gas delivery revenues by approximately \$41.5 million
23 which would be a 29.2% increase in base delivery
24 revenues or a 19% increase in total revenues.

25 The actual bill impacts of these

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2 proposed changes on any particular customer class
3 will vary based upon revenue allocation and rate
4 design. Under New York State Law, the Public Service
5 Commission must consider a utility's proposal and it
6 may adopt or reject the proposal in whole or in part
7 or it may modify it. We are holding this hearing so
8 you can provide your comments on these proposals for
9 the Commission's consideration.

10 My name is James Costello and I am an
11 administrative law judge for the Department of Public
12 Service. With me this evening is Administrative Law
13 Judge Ashley Moreno who is also from the Department
14 of Public Service, and together we are responsible
15 for presiding over the hearings in these cases and
16 the development of a complete record in these
17 proceedings. The Public Service Commission will
18 decide what Central Hudson's terms and conditions of
19 service will be.

20 The Public Service Commission has
21 seven members. The chairperson Rory Christian and
22 six commissioners; Diane Burman, James, Alesi, Tracey
23 Edwards, John Howard, David Valesky and John
24 Maggiore. Just bear with me one second. Bear with
25 me one second. I'm just going to go off -- I'm going

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2 to go on mute for one second.

3 As stated, the purpose of this hearing
4 is to provide you with an opportunity to tell the
5 commission your thoughts on Central Hudson's rate
6 proposal. The statements you make today will become
7 part of the case record. We have a court reporter
8 joining us who will prepare a transcript of the
9 hearing which will be included in the official record
10 of this proceeding so that your comments can be
11 considered by the members of the commission.

12 The statements you make today will
13 become part of the case record. When it is ready,
14 the transcript will be available for view on the
15 Department of Public Service's website. This hearing
16 is not an evidentiary hearing in which testimony
17 would be given nor it is -- is it a question answer
18 session. It is a forum to hear comments from you.
19 Please go to Slide Five.

20 This is not the only opportunity for
21 you to make a comment. If you did not register to
22 speak at today's hearing but you would like your
23 views included in the record, there are a variety of
24 other ways to comment that were listed in the public
25 notice for today's event. You can do so by

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2 submitting comments on the department's website, by
3 e-mail, regular mail or by telephone. Regardless of
4 how the comments are submitted, they will be given --
5 will be given equal consideration.

6 Comments may be submitted and will be
7 considered throughout the pendency of this
8 proceeding. If you are participating electronically
9 on WebEx you will see those various ways to comment
10 listed in -- on the slide before you. If you have
11 registered to make a statement, we ask that you
12 please summarize any lengthy statements orally and
13 submit the full written statement by e-mail or mail.
14 Because of the number of people that have registered
15 to speak, we ask that you stay within a three minute
16 time limit for your oral comments today.

17 There are people who registered and
18 are participating electronically, and there are
19 people who registered and are participating by
20 telephone. In either case, you should have only one
21 audio input from one device otherwise you may have
22 problems with feedback. I will call the persons that
23 have registered one by one to speak. If someone is
24 not available when I call them, I will continue with
25 the next person and will come back to those people

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2 who were not available at the end.

3 We will start by calling on the
4 members of the public who have registered to speak
5 and then we'll move to individuals who have
6 registered to speak that are parties to these
7 proceedings. As parties you have greater privileges
8 and opportunities to build the record in this
9 proceeding. Therefore, we ask that you summarize any
10 lengthy comments and submit them in writing.

11 What I'm going to do now is just list
12 the names of all the speakers that we have in order
13 and -- and the order that we intend to call them so
14 that you know where you'll -- you stand in the
15 process. So it looks like we have 10 registered
16 speakers. The first will be Emily Shaw then Samuel
17 Gelber, Robyn Tauss, Elise Toy, Theresa Gougoutris,
18 Steve Schunk, Rob -- Robin Gibbs-Djibom, Troy Ellen
19 Dixon, Sarahana Shrestha and Laurie Wheelock.

20 For people who are participating by
21 telephone and making their comments in English, when
22 I call out your name I will ask you to hit Star 3 on
23 your phone so that we can recognize you and unmute
24 your line. It make take us a little while to locate
25 you and unmute your line, so please make sure to wait

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2 until you hear a beep or notify that your line has
3 been unmuted before you make your comment. If you
4 have muted your own telephone line, you will also
5 have to unmute your line on your end.

6 For people that are participating
7 electronically, after I call your name, we will
8 identify you and unmute your line. You should hear a
9 tone and see that the microphone icon on your screen
10 is no longer red. Please be reminded that if you put
11 your own telephone line on mute you will also have to
12 unmute your line before you begin to speak. For
13 people providing comments in Spanish through the
14 interpreter, when we call out your name please unmute
15 your line and tell the interpreter that you are there
16 to provide your comment. You can then go ahead and
17 provide your comment.

18 The interpreter will interpret your
19 statement into English so that the court reporter can
20 include it in the record for consideration by the
21 Commission. We ask all of you to please speak slowly
22 and clearly so that the court reporter and
23 interpreters can accurately capture your statement
24 for the record and accurately translate your -- or
25 interpret your comments. When you are starting your

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2 -- with your comment, please state your name, and if
3 you are speaking on behalf of an organization, the
4 name of the organization.

5 Once we confirm that we can hear you
6 you can proceed to make your comments. Before we
7 begin with the comments, I just want to once again
8 ask one of our interpreters to join the WebEx so that
9 we can once again give instructions to people that
10 might be participating on the WebEx and would like to
11 go on to the Spanish interpretation line. And what I
12 would ask also can you please put up screen -- screen
13 six, Slide Six? Thank you. Do we have one of the
14 interpreters on the WebEx? Mr. Veger or Ms. Lucy?

15 THE INTERPRETER: This is Ms. Lucy. I
16 can go ahead.

17 A.L.J. COSTELLO: Okay. What I'll do
18 is I'm just reading a brief statement and then you
19 can please interpret it into English I mean Spanish.
20 Before we begin with the comments -- okay.

21 THE INTERPRETER: One -- one moment.
22 One moment. ... proceed on this ... the beginning so
23 you don't confuse.

24 A.L.J. COSTELLO: Okay. All right.
25 For people who -- ready? For people who want to

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2 listen or provide comments in Spanish please call
3 518-549-0500 and dial access code 95840632. Okay.

4 And you would dial the access code
5 95840632.

6 Okay. Thank you. So now I'm just
7 going to continue in English. It does not have to be
8 translated or interpreted into Spanish. You can go
9 back to the Spanish line. Thank you.

10 What we're going to do now is turn to
11 our first speaker. Our first speaker is Emily Shaw
12 (phonetic spelling). And I do not see that you are
13 on electronically, so if you are participating by
14 telephone and making a statement in English you would
15 hit Star 3 so that we can unmute your line. If you
16 are participating on the Spanish interpretation line,
17 you would let the interpreters know that you were
18 available to give a statement and they will use their
19 raise hand function to let us know.

20 Okay. Not seeing anyone. I'm going
21 to go on to the second speaker who is Samuel Gelber.
22 Okay. Again, I do not see that Mr. Gelber is
23 participating electronically. So if you are
24 participating by telephone and would like to give a
25 statement in English please press Star 3. And if you

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2 are on the Spanish interpretation line, please notify
3 the interpreters.

4 Okay. Not seeing anybody. I'm going
5 to move on to Robin Couse. And, again, if you are
6 participating by telephone and want to provide a
7 statement in English hit Star 3. And if you are
8 participating on the Spanish interpretation line you
9 would notify the interpreters. Not seeing anyone.
10 I'm moving on to Elise Toy. Elise Toy, and I see you
11 are participating electronically so just give us a
12 moment to unmute your line. Okay. It looks like
13 your line has been unmuted.

14 MS. TOY: Yes, you can hear me?

15 A.L.J. COSTELLO: We can hear you.
16 Thank you. You can provide your comment.

17 MS. TOY: My name is Elise Toy and I
18 would like to make this statement. Central Hudson
19 must not be allowed to increase rates by any amount.
20 If Central Hudson needs more money to provide service
21 to ratepayers, they need to take that money from
22 corporate profits and upper management compensation.
23 The New York State Public Service Commission has a
24 duty to the public not to profitable corporations.

25 It is not in the public interest to

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2 continually rubber stamp the rate increase requests
3 from a profitable corporation. We are reaching a
4 societal reckoning of profit over people. This is
5 exactly the point for our Public Service Commission
6 to do the right thing and deny Central Hudson's
7 request. Additionally, Central Hudson should be
8 required by the commission to fully staff its meter
9 reading department and accurately read the meters of
10 every single ratepayer every month.

11 Central Hudson is exploiting its
12 ratepayers by failing to bill accurately every month.
13 In using an estimated billing system, they
14 continually charge ratepayers to pay for their power
15 at a higher rate as the rates continually increase
16 month by month. And when they bill in arrears each
17 month everyone is paying more and more and more.
18 This is completely unethical. I request that our
19 Public Service Commission stand up for its people.
20 Thank you.

21 A.L.J. COSTELLO: Thank you. We'll go
22 on to our next speaker who is Theresa Gougoutris and
23 I see that you are participating electronically. It
24 looks like your line has been unmuted.

25 MS. GOUGOUTRIS: -- much for this

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2 opportunity. Yes, thank you very much for this
3 opportunity. I would like to say that I do believe
4 that everyone should have their meter read every
5 month. If it's going to be read every other month
6 and estimated every other month then it should be
7 billed as such. So perhaps Central Hudson could, if
8 they decide to go that route, split the areas to be
9 billed in half and alternate the months odd or even
10 on billing from a customer so there's continual
11 monthly income for Central Hudson.

12 Just to give you an example, at the
13 end of last year my meter reading was at 342. The
14 estimate was 123. The next one read at 388.
15 Estimated at 110. And then at the beginning of this
16 year we received a whopping \$822 bill. So I don't
17 understand why it's being read or rather, excuse me,
18 being estimated at such a low amount based upon the
19 actual readings and usage. I don't know if they have
20 a formula or this information for the estimate comes
21 out of the sky.

22 It's very hard to budget your money
23 because last year with the drought my money tree was
24 not fully in bloom. So I appreciate you taking the
25 time to listen to my comments and, again, I believe

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2 they should be reading the meters every month and
3 billing as such. Or if they alternate them, again,
4 alternate the billing. Thank you for your time.

5 A.L.J. COSTELLO: Thank you. Our next
6 speaker will be Steve Schunk. And Mr. Schunk is
7 participating -- okay. We were just waiting for you
8 to be unmuted. Mr. Schunk, just bear with us. We're
9 -- we're be unmuting your shortly. There we go.
10 Looks like your line has been unmuted.

11 MR. SCHUNK: Thank you. My name is
12 Steve Schunk. I'm a resident of Highland, New York
13 and I come here today taking my time to oppose the
14 rate increase propose -- that has been proposed by
15 Central Hudson. I agree that the P.S.C. needs to put
16 people first ahead of profits. I filed over five or
17 six complaints to the P.S.C. directly regarding
18 Central Hudson's lack of service. My estimates, like
19 many, have been wildly overstated which leads me to
20 believe that whatever formula is in their automated
21 system simply isn't working.

22 This is a problem, in my opinion, that
23 should be remedied by Central Hudson. Paying for
24 this remedy should -- I also agree should be done at
25 the shareholders and the profit and not the

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2 ratepayers. Making the ratepayers bail out Central
3 Hudson for their mismanagement is ethically wrong.
4 Ethically and morally, in my opinion.

5 Central Hudson has one and only one
6 job to do and that is to deliver electricity and gas
7 safely and efficiently. It doesn't seem that they
8 are capable of doing that and, again, making the
9 ratepayers always absorb the mistakes and
10 mismanagement of this company seems to me to be
11 wrong. Again, I think I will just say it again, I
12 oppose any -- any rate increase for Central Hudson
13 until they fix their billing system and make their
14 ratepayers pay for that debacle.

15 All the other problems that we're
16 hearing about Central Hudson and P.S.C. complaint
17 overload -- overload that is because of the billing
18 system Central Hudson chose to implement. Thank you.

19 A.L.J. COSTELLO: Thank you. Our next
20 speaker is Robin Gibbs-Djibom. I apologize if I'm
21 not saying that correctly. It's Robin Gibbs-Djibom.
22 And if you are calling in and making a statement by
23 English please hit Star 3 so I can identify you. If
24 you are using the Spanish interpretation line, please
25 notify the interpreters, unmute your line and notify

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2 the interpreters so they can let us know that you
3 will be providing a statement.

4 Okay. Let's see. I'm not seeing
5 anybody so we will move on to the next speaker who is
6 Troy Ellen Dixon who I believe is participating
7 electronically so we will unmute your line. It looks
8 like your line has been unmuted.

9 MS. DIXON: Thank you. I am Troy
10 Ellen Dixon. My pronouns are she, her. In 2020
11 Central Hudson proposed raising the average monthly
12 residential bill by \$7 and some change for
13 electricity and \$9 and some change for gas. Thanks
14 in large part to the tireless efforts of various
15 individuals and organization who worked to reduce the
16 increases, P.S.C. instead approved a 3 year plan in
17 which residential customers paid \$.33 less per month
18 for electricity during the first year with increases
19 in the final 2 years.

20 Gas rates total an increase over the 3
21 year agreement which ends on June 30th, 2024. This
22 time around Central Hudson is seeking approval for
23 delivery rates that would increase the average
24 residential electric bill by 16% and gas bills by
25 19%. The percentage they don't talk about is how

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2 much higher these proposed increases are than their
3 last proposed increases which are 287% higher for
4 electric and 217% higher for gas.

5 Further, they say the typical customer
6 would be charged about \$30 per month for each service
7 -- additionally month for service. An increase that,
8 according to their P.R. machine, amounts to just \$1 a
9 day. This increase is proposed in the midst of
10 investigations that continue no clear answers on
11 whether all the billing issues that plague more than
12 8,000 customers have actually been resolved. And the
13 fact that between February 2020 through June of this
14 year, residential customers arrears greater than 60
15 days grew by 1,044% while nonresidential arrears grew
16 by 1,971%.

17 If individuals and businesses have
18 already been struggling to pay their Central Hudson
19 bills for more than 3 years, exactly how are they
20 expected to pay even just \$1 a day more? Those
21 customers who are more affluent will be able to pay
22 higher energy bills. Many low-income customers will
23 bill -- benefit from bill relief programs and HEAP
24 though not as much as they should. But there is a
25 group for which neither is true.

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2 ALICE households who are already
3 struggling to meet the average household survival
4 budget which is nearly \$91,000 for a family of 4.
5 ALICE households are struggling as wages fail to keep
6 pace with the rising cost of household essentials
7 including utilities. For these folks that just \$1 a
8 day more may well be the difference between keeping
9 the lights on or putting food on the table. Thank
10 you.

11 A.L.J. COSTELLO: Thank you. Our next
12 speaker is Sarahana Shrestha. I don't see that you
13 are participating electronically so if you have
14 called in and are providing a statement in English
15 please hit Star 3. And if you are calling in on the
16 Spanish interpretation line please notify the
17 interpreters that you're available to give your
18 statement.

19 Okay. I am not seeing any indication
20 of the speaker so I'm going to move on to Laurie
21 Wheelock. I see Laurie Wheelock is participating
22 electronically so just give us a minute and we will
23 unmute your line. Okay. It looks like your line has
24 been unmuted. Ms. Wheelock, we can't hear you on our
25 end. We want to -- looks like it's been muted again.

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2 Can we please unmute the -- there we go.

3 MS. WHEELOCK: Can you hear me now?

4 A.L.J. COSTELLO: Yes, we can hear
5 you.

6 MS. WHEELOCK: Wonderful. Good
7 evening Administrative Law Judges Moreno and
8 Costello. My name is Laurie Wheelock and I'm the
9 executive director and counsel for the Public Utility
10 Law Project. We go by PULP for short. My pronouns
11 are she and her. PULP is a 40-year-old nonprofit
12 with a mission of educating, advocating and
13 litigating on behalf of New York State's low-income
14 utility customers.

15 I want to start tonight by thanking
16 the Department of Public Service for the opportunity
17 to testify in relation to Central Hudson Gas and
18 Electric's rate cases. In particular, thank you for
19 providing the hearing notice in Spanish and providing
20 interpretation support which is very important in the
21 use of providing access for Spanish speakers
22 throughout Central Hudson's service territory.

23 At this time, PULP wants to renew our
24 request for formal in-person hearings throughout the
25 service territory, that they provide a valuable

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2 option for many of Central Hudson's customers. And
3 if possible, we'd like to ask that those in hearing -
4 - in-person hearing dates be prior to the filing of
5 direct testimony on November 21st.

6 PULP is an active party to both cases,
7 the electric and gas sides, and we are planning to
8 file expert testimony. Tonight I'm just going to
9 focus on two issues but we have several others that
10 will be expanded upon in our written testimony. And
11 one of my colleagues will also be testifying at next
12 week's hearings.

13 To start, PULP is very concerned about
14 the company's long history of billing problems.
15 We're still receiving calls to our direct service
16 hotline and e-mails from customers who are still
17 struggling to understand how to read their bills,
18 what's happening with their bills, still receiving
19 numerous bills at a time and trying to figure out
20 what's going on between the estimation and actual
21 billing range.

22 PULP does work closely with the
23 company's customer service team to try to reach
24 resolution, but the truth is that the billing issues
25 have been happening now for over the last two years.

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2 And this is a significant concern that should not and
3 cannot be ignored. There's still no formal
4 resolution from the commission. And one of the
5 issues that's paramount to PULP is that the rate case
6 cost must be prudent and be strictly reviewed. At
7 the same time we're concerned that that review will
8 be difficult due to the longstanding billing issues,
9 the investigation, the audit, the need for
10 independent monitor and more.

11 Next I want to address affordability
12 concerns with the rate filing itself. The company
13 files monthly collection activity reports that show
14 the financial health of its customers. And in July
15 of 2023 over 65,000 households were behind on their
16 bills by 60 days or more for over a million -- \$100
17 million. It's important to flag that in the
18 company's own policy panel they said that they expect
19 arrears to continue to grow prior to the start of the
20 rate year, July 1st, 2024. And the company is asking
21 for what the prior speaker explained is this \$1 a day
22 more for electric and \$1 a day more on gas.

23 That may not sound like a lot but it
24 provides tremendous financial pressure, and \$1 a day
25 is significant especially for low-income households

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2 and ALICE households. That's at least \$60 more a
3 month for electric and gas combined customers. Once
4 again PULP appreciates the opportunity to speak at
5 tonight's hearing and will continue our work and we
6 look forward to submitting written testimony in this
7 proceeding. Thank you.

8 A.L.J. COSTELLO: Thank you. What I'm
9 going to do now is just circle back with the people
10 who I called earlier who were not available, and I do
11 not see any of them logged on electronically, so if I
12 call your name and you are going to give a comment
13 and you're participating by telephone and want to
14 make your comment in English, you would hit Star 3.
15 If you are on the Spanish interpretation line and
16 want to make a comment, you would notify the
17 interpreters by unmuting your line and they will let
18 us know that you're available to give a comment.

19 So I will start with Emily Shaw.
20 Going on to Samuel Gelber. We're not seeing any.
21 Going on to Robyn Tauss. Moving on to Robin Gibbs-
22 Djibom. And finally Sarahana Shrestha. Okay.
23 There's -- I don't see any indication that any of
24 those people who have registered are available to
25 give a comment, so what I will do now is open it up

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2 for anyone who is participating that did not register
3 but would like to make a comment.

4 So if you are participating
5 electronically and would like to make a comment you
6 would use your -- the raise hand function to indicate
7 that. If you are participating by telephone and want
8 to make your comment in English, you would use the
9 Star 3 to indicate to us that you want to make a
10 comment. And if you are participating on the Spanish
11 interpretation line, you would let the interpreters
12 know and they in turn will let us know that you want
13 to make a comment.

14 Okay. I do not see anyone indicating
15 that they would like to make a comment so with that -
16 - Ms. Lucy, I just want to confirm with you that
17 there is nobody on the Spanish interpretation line
18 that has indicated they'd like to make a comment.

19 THE INTERPRETER: That's correct, your
20 Honor. Let me just verify one more -- one more time.

21 A.L.J. COSTELLO: Okay. And let me
22 just confirm with the -- our O.C., Office of Consumer
23 Services people that I'm correct that they agree that
24 we have nobody else that's indicated they want to
25 provide a comment.

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2 THE INTERPRETER: Your Honor, nobody
3 here has been mentioned they want to make a comment.

4 A.L.J. COSTELLO: Okay. Thank you so
5 much. Okay. So I would like to remind everyone that
6 they may submit public comments throughout these
7 proceedings by the other means that we described
8 earlier and that are provided in the notice of public
9 statement hearing that was issued on August 18th,
10 2023. We will be holding additional public statement
11 hearings virtually on September 20th, 2023 at 1 p.m.
12 and 5 p.m.

13 In addition, we will be holding in-
14 person public statement hearings in the future and a
15 notice with the locations, dates and times will be
16 issued when those are set and scheduled. Judge
17 Moreno and I would like to thank the commenters for
18 their participation. We'd also like to thank our
19 consumer services office for administering the
20 session, our court reporter and our interpreters.
21 And with that our hearing is now concluded and we are
22 going off the record.

23 (Off the record 5:45 p.m.)

24 (The public statement concluded at
25 5:45 p.m.)

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

9 IN WITNESS WHEREOF, I have hereunto
10 subscribed my name, this the 19th day of September, 2023.

11

12 ANTHONY MCCLAIN, Reporter

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