



Consolidated Edison Company  
of New York, Inc.  
4 Irving Place  
New York NY 10003  
www.conEd.com

October 6, 2014

Honorable Kathleen H. Burgess  
Secretary  
New York State Department  
of Public Service  
3 Empire State Plaza, 19th Floor  
Albany, New York 12223

**RE: Case 13-E-0573, Changes to Con Edison's Demand Response Programs**

Dear Secretary Burgess:

An affidavit and copies of the published notice are enclosed, affirming that notice was published in the New York Post on September 5, 12, 19, and 26, 2014, regarding tariff changes proposed to Rider S – Commercial System Relief Program and Rider U – Distribution Load Relief Program in Case 13-E-0573.

Sincerely,

William A. Atzl, Jr.  
Director  
Rate Engineering Department

**State of New York** ss:  
COUNTY OF NEW YORK

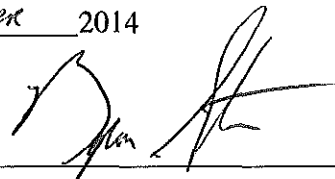
Margaret Varrone being duly sworn,  
says that he/she is the principal Clerk of the Publisher  
of the

***New York Post***

a daily newspaper of general circulation printed and  
published in the English language, in the County  
of New York, State of New York; that advertisement  
hereto annexed has been regularly published in  
the said "NEW YORK POST" once,  
on the 5<sup>12</sup>, 19, 26 day of September 2014

Margaret Varrone

Sworn to before me this 26 day  
of September 2014

  
**NOTARY PUBLIC**

BYRON STEVENS  
Notary Public, State of New York  
No. 01ST6117803  
Qualified in New York County  
Commission Expires November 1, 2016

# 'Meningitis' pharmacist nabbed leaving country

By DENISE LAVOIE

BOSTON — A pharmacist who oversaw the sterile "clean rooms" at a Massachusetts compounding pharmacy responsible for a deadly meningitis outbreak was arrested Thursday as he was about to board a flight for Hong Kong, federal officials said.

Glenn Adam Chin, a former supervisory pharmacist at the New England Compounding Center, didn't properly sterilize or test equipment, and concealed the unsafe practices, federal investigators said.

The pharmacy, which mixed medications in bulk, has been blamed for a 2012

outbreak of fungal meningitis that killed 64 people.

Chin, 46, of Canton, Mass., was arrested at Logan International Airport. He was charged with one count of mail fraud, but federal prosecutors said it is part of a larger criminal investigation of Chin and others. He is the first person to be charged in the inquiry.

An affidavit filed in US District Court alleges that Chin participated in a scheme to fraudulently cause one lot of the drug MPA to be labeled as injectable, meaning that it was sterile and fit for human use. The lot was shipped to Michigan Pain Specialists in Brighton, Mich.

After receiving the drug, Michigan Pain Specialists doctors injected it into patients. As a result, 217 patients contracted fungal meningitis and 15 of them died, according to the affidavit.

FDA investigator Benedict Celso said the compounding center failed to properly sterilize and maintain its clean rooms. He said Chin instructed technicians to "fraudulently complete cleaning logs" at the end of the month.

The pharmacy's own testing showed the repeated presence of bacteria and mold within its clean rooms on a weekly basis throughout 2012, Celso said. AP

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CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.



## NYPD DAILY BLOTTER



### Brooklyn



■ Cops are looking for two men wanted for assaulting a man in a Crown Heights subway station.

The 45-year-old victim was inside the Utica Avenue station last Friday at 7:45 a.m. when two men approached him from behind and repeatedly punched him, police said.

Both suspects (above) fled, according to cops.

The victim was treated for minor injuries, authorities said.

■ A man was fatally shot in the head in a Coney Island apartment building, cops said.

Authorities discovered the 23-year-old man in the hallway of the 17th floor of a building on West 28th Street Wednesday at 8:15 p.m.

No arrests have been made in connection with the fatal shooting, and the victim's name has not been released because his family has not been notified.

### The Bronx

■ Two people were charged with torturing and not feeding animals in their Van Nest home, sources said.

Sharon Mourikis-Shoenfeld, 46, and Steven Sokolokic, 44, had 13 dogs, five cats, six birds and one rabbit in the apartment on Cruger Avenue when police and members of the ASPCA executed a search warrant Wednesday

morning, law-enforcement sources said.

The search warrant came hours after a 911 caller reported animal abuse at the location and responding ASPCA investigators spotted piles of feces and many of the 25 pets, sources added.

One dog appeared to be suffering from paralyzed rear legs and was pulling himself around by his front paws, sources said.

Other animals had urine burns, matted hair, rashes and abscesses, sources said.

The animals were taken into custody by the ASPCA and are being treated.

Mourikis-Shoenfeld and Sokolokic were charged with torturing or not feeding animals under the New York State Agriculture and Markets law.

Sokolokic also was charged with drug possession after allegedly admitting he had cocaine in his back pocket.

### Manhattan

■ A woman who spotted a man swiping her \$1,500 purse while she was lounging at a Meatpacking bar helped security nab him, police sources said.

The 38-year-old patron was at the Le Bain on West 13th Street near Tenth Avenue on July 31 at about 4:30 a.m. when she allegedly spotted Anton Marakulin, 26, snatching her bag with three credit cards inside, sources said.

She told security, who held him until police arrived and arrested him on grand-larceny charges, sources said.

■ A mugger robbed a woman at knifepoint in the East Village, authorities said.

The 35-year-old victim was walking on East Sixth Street near First Avenue Tuesday at 5 a.m. when she was grabbed from behind by the crook, according to cops.

The thug flashed a knife

and demanded her valuables, police said.

The woman dropped her purse containing \$300 and an iPhone, and bolted, authorities said.



The suspect (above) was caught on surveillance video holding the victim's bag immediately after the robbery, police said.

### Queens

■ A thief in a surgical mask burglarized a College Point pharmacy — then cleaned up the mess before he fled, a worker and cops said.

The suspect bored a hole in a wall with some tools at the CK Pharmacy on Main Street and Maple Avenue overnight Monday, according to police.

A worker said there was a mess on the floor before he closed shop — but discovered it had been cleaned by the suspect before the thief left.

### Staten Island

■ An allegedly drunken driver going over the Verrazano Bridge was pulled over after smashing into a concrete barrier, law-enforcement sources said.

Kristen Krause, 30, was driving her 2006 Chevy Monte Carlo west on the upper level of the bridge around 12:49 a.m. Tuesday when she struck the barrier, sources said.

"I had two beers," she reportedly told authorities.

She allegedly blew a .149 on a Breathalyzer test, almost double the legal driving limit of .08, sources added.

She was charged with driving while intoxicated.

Kirstan Conley

### TO OUR VALUED CUSTOMERS:

Please be advised of the following correction for the hours of our One Day Sale

**Doorbuster offers.**

The correct hours are **9AM-2PM Friday and Saturday.**

We apologize for any inconvenience.



**Crime Stoppers offers rewards of up to \$2,000 for your help in solving violent crimes. You don't have to reveal your identity. Call Crime Stoppers at (800) 577-TIPS or go to [www.nypdcrimestoppers.com](http://www.nypdcrimestoppers.com).**



# Dollar Gen waitin' on feds for 'Family' deal

By JOSH KOSMAN  
and JAMES COVERT

Dollar General plans to delay a decision whether to go "hell or high water" with its hostile offer for rival Family Dollar until it gets feedback from regulators on its proposal by mid-October, sources told The Post.

Dollar General, which this week announced an \$80 a share, or \$9.1 billion, hostile tender for Family Dollar will stick with its public commitment to divest 1,500 stores until the Federal Trade Commission issues a second request for information, sources said.

That second request is ex-

pected to give a sense of how seriously the FTC is scrutinizing Dollar General's deal.

"They'll know in 30 days if it will be a long slog," an anti-trust lawyer said.

A Dollar General spokeswoman declined to comment.

Dollar General's reluctance to make an unconditional, or "hell or high water," offer shows it believes there is some real risk that the deal could get blocked or that it could face crippling demands for divestitures of overlapping stores, sources said.

Last week, Jefferies analyst Dan Binder estimated the FTC could demand as many as 2,500 store divestitures,

but said the deal could still be profitable with as many as 3,000 closings.

Dollar General's bid is up against Family Dollar's pre-existing \$8.5 billion cash and stock merger agreement with smaller rival, Dollar Tree.

Dollar General CEO Rick Dreiling publicly has said he does not expect regulatory problems.

One key question is whether the FTC will include supermarkets and drug stores when defining the dollar store market, insiders said. Currently, the FTC appears to be including the dollar stores and Walmart in its competition models, one source said.

*jkosman@nypost.com*

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**CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.**



Post photo composite

## 'Shack' on shaky ground

By JAMES COVERT

A key question for RadioShack as it struggles for survival: Can it get the new iPhone?

The flailing electronics chain warned Thursday it may be forced to file for bankruptcy if it can't raise cash — adding that it was in financing talks with "a number of parties" amid reports of a possible lifeline from UBS and hedge fund Standard General LP.

Weak demand for mobile phones is to blame for the "majority of the weak performance this quarter," RadioShack CEO Joe Mag-

nacca said in a statement.

Same-store sales in the latest quarter were down 20 percent, he said.

Magnacca didn't mention by name Apple's iPhone 6, whose long-awaited launch is expected next week.

Still, RadioShack's chief admitted that mobile-phone sales were sapped this summer because of "consumers waiting for an iconic handset launch this fall."

With RadioShack's ability to pay its bills uncertain, it's doubtful whether the iPhone 6 will be available at RadioShack, said Janney analyst David Strasser.

"We struggle to see a sce-

nario where RadioShack will get iPhone6, with what could be a challenging get for even top retailers like Best Buy," Strasser wrote in a note to clients.

RadioShack shares, which have seen a saw-tooth pattern in recent weeks as hope and fears took turns coming to the fore, rose 9.6 percent to \$1.02 Thursday on bets that a rescue package was imminent.

That's despite the fact that revenue plunged 22 percent to \$673.8 million in the second quarter, driving a loss of \$137.4 million, or \$1.35 a share, versus a loss of \$52.2 million, or 51 cents, a year ago. *jcovert@nypost.com*

## A Lulu of a Q2 HD malware not Target's

A jump in online sales helped yogawear chain Lululemon Athletica report a higher-than-expected second-quarter profit and increase its full-year earnings forecast on Thursday, sending its stock higher and reversing some damage from a high-profile recall last year.

Shares of the one-time investor darling jumped 14 per-

cent in pre-market trading. Prior to the latest move, its shares had fallen more than 40 percent in the past 18 months following an embarrassing recall of yoga pants deemed too see-through. Since then, the company has worked to improve quality and supply-chain issues.

Shares closed at \$43.73, up 13.9 percent. *Reuters*

Home Depot was hacked with a malware program that plunders store cash registers while disguising itself as anti-virus software, according to two security researchers. The credit card-stealing program used in the attack is being dubbed FrameworkPOS, and differs significantly from the software used to hack Target. *Bloomberg*



# Citi fears Argy boot if it doesn't play ball

By MICHELLE CELARIER

Argentina has a gun to Citibank's head, and it's going to go off at the end of September.

That's what will happen if Citi follows a federal court order and doesn't make a \$5 million payment on its \$8.4 billion domestic Argentine bonds, Citi lawyer Karen Wagner told a three-judge appeals panel Thursday.

"It will be a total disaster," she said.

The legal dust-up over a small interest payment on Argentine law bonds is not just about whether Citibank will get kicked out of the

South American country, as has already happened to another US bank.

The issue is whether Citi will be the "weakest link" in a chain of payments that could enable Argentina's recently enacted debt swap to work, lawyers for Paul Singer and his hedge fund cohorts said Thursday.

Last week, Argentina passed a law to swap its debt into local law bonds so it can avoid the US court injunction that would force it to pay the Singer group \$1.6 billion it owes them.

The hedge funds, unlike most investors, apparently think the swap could work.

That's why they want to make sure US courts also take aim at Argentine law bonds.

In late July, the funds convinced Manhattan federal judge Thomas Grisea to change his ruling on whether the bonds held by Citibank, based in Argentine law, would fall under his sweeping injunction.

"Argentina wants Argentine law bonds not to be covered by this injunction," the hedge-fund lawyer Ray Englert said.

Citi is worried about losing its vast Argentine retail banking business. But Englert said Citi should simply leave of its own accord.

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**CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.**

# Reps blind to census case



Washington

It only took a year but Congress finally found the tip. Now if it tries a little harder it may actually find the iceberg.

But don't count on it. These guys are steering the Titanic and they aren't going anywhere near that block of ice.

Republicans and Democrats on the House Committee on Oversight and Government Reform want you to know a couple of things — they found no evidence that anyone manipulated the employment data before the last Presidential election and they saw no indication that there was widespread data falsification.

Those are allegations made in this column over the past year.

"This is a happy occasion because the situation is not as bad as we thought," committee Chairman Blake Farenthold (R-TX) gushed at a hearing

## OBITUARIES

### DEATH NOTICES

**Anna Jarvis, 93, of Brielle, NJ**, passed away at Jersey Shore University Medical Center on Tuesday, September 16, 2014. Anna was born and raised in Dunbar, PA. She was a longtime resident of Hopatcong, NJ, before coming to Brielle 3 years ago. In addition to her career, Anna was a devoted mother, grandmother, and great-grandmother. She loved tennis and shopping.

Anna was predeceased by her daughters, Arlene Kayser and Kathleen Brzezowski, as well as by her siblings, Mary Protus, and John, Stephen, and Michael Bogusky. She is survived by her grandchildren and their spouses, Monica O'Donnell and Jay Feigus, Shannon Broderick, Joseph Brzezowski and Jennifer Ward, and Stephanie and Rory Schmidt. She is also survived by her great-grandchildren, Julia, Emily, Sarah, Liam, Kate, and Finley, as well as by other relatives and friends. The funeral service will be held at O'Brien Funeral Home, 2028 Route 35, Wall, on Saturday, September 20, 2014, at 4 p.m., followed by visiting until 7 p.m. In lieu of flowers, donations in Anna's memory may be made to the American Cancer Society, 2310 Highway 34, Ste 1D, Manasquan, NJ 08736. For more information or to send condolences, visit [www.obrienfuneralhome.com](http://www.obrienfuneralhome.com).

### Death Notices and In Memoriam Messages

Notices may be submitted via telephone, fax or email, Monday thru Friday, 8:30A.M. to 4:00P.M., to appear in the following day's edition. Sunday and Monday notices must be received by 4:00P.M. on Friday.

Call: 212-930-5847  
Fax: 212-930-8034  
Email: [dmancuso@nypost.com](mailto:dmancuso@nypost.com)

here on Thursday. The lawmaker was clearly not prepared.

"This gives freedom of the press a bad name," said Rep. Stephen F. Lynch (D-MA) of the column that started all this last November. That was one of many knocks on The Post and me at the hearing, which lasted about as long as a lop-sided first-round tennis match at the US Open.

There was plenty of bluster like that but no one brought up the 96-page report. I doubt Lynch or any of the Democrats on the committee even read it.

Here are other problems with the conclusions expressed at Thursday's hearing.

● First, the tone and content differs greatly from the conclusions of the report on the issue published Thursday by the same committee.

That report said there are "a number of flaws in the current quality assurance process for the Census Bureau data collection efforts nationwide." The report added "it is imperative that the Census Bureau take swift corrective action to ensure data integrity."

The report also said it couldn't prove that economic data was being falsified in a widespread manner. But it also said it couldn't disprove it because the Commerce Department, which oversees Census, obstructed its investigation.

That's a whole lot different from not finding anything. In fact, it shows a desperation at Commerce that something might be found. Why else wouldn't it cooperate?

No one at the Oversight hearing even mentioned **Julius Buckmon**, who was caught falsifying data in the Philadelphia Census region and was eased out of his job. Buckmon alleged that supervisors told him to fill out bogus Census forms. A full investigation of Buckmon was only done after The Post brought him to their attention. And Buckmon wasn't invited to testify at the hearing.

● Also not mentioned was the fact that more than 120 laptops were suddenly missing from the Philadelphia Census office right before the last Pres-

idential election. How do we know? The Post went through the trouble of getting e-mails from supervisors in that office.

And supervisors in that office, in those e-mails, seemed panicked that the computers were gone. They had no explanation for the loss.

● Democratic Committee members and the two Census witnesses — **John Thompson**, the boss, and Inspector General **Todd Zinser** — made a point that it would take a widespread conspiracy beyond the possible to change the nation's jobless rate.

Hope they were playing politics with this issue because that statement is ludicrous. Buckmon alone falsified enough interviews each month to change the results, statistically speaking, for 50,000 households. Another one or two cheaters would have done the job.

The missing computers, in addition, could have been used to change untold numbers of people from being unemployed to employed.

And survey takers and supervisors in two other Census regions (so that's three out of six, including Philadelphia) have told me that data was being falsified in their areas as well. Several of these other Census employees offered to talk with investigators but their calls were never returned.

Census has already made a number of changes to its collection process because of the investigation I caused. For instance, supervisors can no longer check their own underlying's work. The work now has to be verified by independent supervisors.

That change gives free press, including The Post, a good name.

Perhaps the poor showing by Farenthold and his committee isn't the last word.

A source told me in confidence that the House isn't close to being finished with this matter.

That is good. What happened at the hearing on Thursday did nothing but further sully Congress's reputation.

If that's even possible.

[john.crudele@nypost.com](mailto:john.crudele@nypost.com)

Get more  
**John Crudele at**  
**NYPOST.COM**

## Nature zone in Pacific

Thousands of miles off America's shores, an ocean preserve flush with rare seabirds, turtles and marine mammals will grow to roughly three times the size of California under a memorandum that President Obama signed Thursday.

The expanded Pacific Remote Islands Marine National Monument will cover 490,000 square miles, making it the largest marine preserve in the world, the White House said. The move puts the remote waters surrounding a collection of islands off-limits to drilling and most fishing in a bid to protect fragile underwater life.

"This really is a matter of stewardship. It's also a matter of generational responsibility," Secretary of State John Kerry said Thursday. *AP*

## Judge: Gay couple 'Narnia' business

In what experts say is a victory for unmarried gay couples, the longtime partner of the "Chronicles of Narnia" movies' late producer won an important legal battle against his boyfriend's family.

The Virginia parents of the deceased Hollywood producer sued their son's beau, Hunter Hill, in 2013, claiming he should fork over cash from his half of the couple's \$1.7 million Soho pad.

They sought summary judgment based on the argument that Hill had no written evidence that he would inherit the apartment. But Manhattan Judge Debra James turned down the request, saying that while there was no docu-

mentation, "a promise may be implied where the property was transferred in reliance upon the confidential relationship."

She added, in a nod to gay relationships, "Although no marital or other family relationship is present in this case, such is not essential for the existence of a confidential relationship."

Dean Roberts, the attorney for Moore's parents, decried the ruling as politically motivated. "This isn't about their relationship, it's about getting the estate in order," Roberts said.

Moore died from an apparent overdose in 2011 at age 39. The "Narnia" movies grossed \$1.5 billion.

*Julia Marsh*

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# Rape victim's double horror

By JOSH SAUL

The woman raped twice by two different men in one horrific hour in Brooklyn had gone up to the second attacker seeking help when he terrifyingly told her, "I'm going to do the same thing to you," prosecutors revealed in court Thursday.

The 31-year-old victim was walking in Clinton Hill at about 5 a.m. on Aug. 31 when Nicholas Isaac, 17, allegedly threatened to shoot her if she didn't comply and then raped her before fleeing with her pocketbook, prosecutors said.

The woman was walking home along Gates Avenue from neighborhood bar One Last Shag, law-enforcement sources have said.

The stunned woman approached Daquan Jackson, 21, a half-block away on Irving Place at about 6 a.m. and tried to explain what had just happened to her as she asked for help, prosecutors said at Jackson's Brooklyn criminal court arraignment.

"I'm going to do the same thing to you," was his re-



**DAQUAN JACKSON**  
At arraignment Wednesday.

sponse, assistant district attorney Wilfredo Cotto said in court.

"You are going to s--- my d--- or I am going to shoot you, I have a gun," Jackson then said, according to court papers.

During the assault the woman said, "Get away from me, leave me alone," Cotto said, but Jackson assaulted her anyway.

Jackson — wearing black Air Jordans, red Adidas pants, and an earring in his left ear — did not speak during the brief arraignment.

Defense attorney Josh Saunders said the man shown in surveillance foot-

age released by the NYPD was taller, skinnier, and had lighter skin than his client.

He also said the victim hadn't identified Jackson in a lineup and said that the first thing Jackson did when arrested was ask that his DNA be tested — arguing that a guilty person would not have done so.

Jackson was collared after the NYPD released a video of the second attacker and Crime Stoppers got a call from a tipster who said, "He looks like 'Quan. He's a Crip; he hangs out on Graham and Putman," Cotto said in court.

Isaac was arrested Saturday and faces sex-assault and robbery raps after being identified in a lineup by the victim.

The teen has a rap sheet that includes menacing with a weapon, auto theft, petty larceny and trespass, police sources have said.

Jackson was charged with sex abuse and held on \$50,000 cash bail. He is a union roofer who has had the same girlfriend for five years, his attorney said.

*jsaul@nypost.com*

## Fired teacher's 'class' action

An ousted rookie public-school teacher is suing to return to the classroom — even though her career has been a lesson in disaster.

Sasha Taublieb, 34, armed with a fine-arts degree, started her teaching career in 2011 at Murry Bergtraum HS in lower Manhattan.

During her first school year, she had an "intimate encounter" with a male teacher, she admits in her Manhattan civil suit.

Then things started to fall apart when the ex-lover began gossiping about her, court papers claim.

So she lodged a complaint and got a requested transfer to M540 in Harlem.

A month into the fall semester, a student socked Taublieb in the face, dislocating her jaw, the suit says.

The principal denied her request for time off to recuperate. And when she stayed home for two months anyway, she was fired.

"I'm not angry. I just really want to go back to teaching," Taublieb said.

A spokesman for the city's Law Department said, "We will review the allegations." *Julia Marsh, Georgett Roberts*

## One winner for \$225M

SAN MATEO, Calif. — Someone in Northern California has won a \$225 million Powerball jackpot.

The California Lottery says in a tweet that the winner purchased the winning ticket in San Mateo, south of San Francisco. It matched all six numbers in Wednesday night's drawing: 7, 14, 21, 24, 41 and 26.

It was the sole winning ticket sold in the 44 states that offer Powerball.

The ticket was sold at Key Markets on South Norfolk Street, the San Jose Mercury News reports. The store's owners will receive \$1 million for selling the winning ticket. *AP*