

conesp

October 24, 2003

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
4 Irving Place
New York, NY 10003

FILES
02-M-0515

Jaclyn A Brillong, Acting Secretary
State of New York
Public Service Commission
Three Empire State Plaza
Albany, NY 12223

Dear Acting Secretary Brillong:

Consolidated Edison Company of New York, Inc. ("the Company") hereby submits proof of newspaper publication in the filing regarding Gas Transportation Rates for Distributed Generation Technologies, in Case 02-M-0515, in the form of notarized statements (original and 3 copies) attesting to the publication of the appropriate legal notice, once per week for four consecutive weeks in a newspaper having general circulation in the Company's service area. Attached to each notarized statement is the legal notice for one of the four successive weeks.

Respectfully submitted,

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

By: Joel H. Charkow
Joel H. Charkow

2003 NOV - 5 PM 1: 20

RECEIVED
PUBLIC SERVICE
COMMISSION
ALBANY

State of New York ss:
COUNTY OF NEW YORK

BYRON STEVENS 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

16, 23, 30 day of SEPTEMBER 2003
also once on the 7 day of OCTOBER 2003

Byron Stevens
Sworn to before me this 7 day of

October 2003
Deborah Rosen

NOTARY PUBLIC

DEBORAH P. ROSEN
Notary Public, State of New York
No. 01RO5023290
Qualified in Kings County
Commission Expires Jan. 31, 2006

Tech exec named U.S. cyber-chief

WASHINGTON — The Bush administration yesterday selected Amit Yoran, a respected software executive from Symantec Corp., as the nation's new cybersecurity chief in the Department of Homeland Security.

Yoran, who is well-known within the cybersecurity community, will be the government's evangelist for convincing Americans to improve their computer defenses against hackers, disgruntled employees, commercial rivals and foreign governments.

A Symantec vice president, Yoran also will be responsible for carrying out dozens of recommendations in the administration's "National Strategy to Secure Cyberspace," a set of proposals to protect computer networks Yoran, who was not at yesterday's announcement, said he expects to report for work within a few weeks. AP

It's Donehampton

Town boss nixes village secession

A petition by a group of wealthy homeowners to create their own village of Donehampton on eastern Long Island was rejected yesterday by Southampton Town Supervisor Patrick Heaney.

"The petitioner fails to demonstrate that the proposed territory contains a population of at least 500 regular inhabitants," Heaney said in a wide-ranging, 19-page ruling. Meeting the population threshold was one of the factors required in order to proceed with a possi-

ble vote on secession.

Heaney said opponents of the petition found in the "labyrinthine list of purported inhabitants, it incredulously reveals a total of 193 individuals reside at 11 houses." He also said there were six people listed on the petition who "are, in fact, deceased."

Supporters said they wanted greater autonomy over beachfront zoning and building by seceding from the town of Southampton. Opponents contended the effort would

mean higher taxes and heavier municipal burdens for everyone else.

The proposal called for Donehampton to run along a narrow, 7-mile, oceanfront strip from the eastern boundary of the village of Southampton to the western boundary of the town of East Hampton, through the existing hamlets of Bridgehampton, Water Mill and Sagaponack.

The Hamptons have long been known as the summer playground for the rich and famous, and

a weekend refuge for Manhattan's elite. But Donehampton would have been home to some of the richest of the rich. Oceanfront houses in the proposed village start at about \$3.5 million, and prices can range as high as \$12 million to \$18 million, said Diane Saatchi, president of Dayton-Halstead Real Estate.

Stuart Hersch, a secession supporter, said he had not yet read Heaney's ruling and declined to comment. AP

Deputy gets life in slay of sheriff

SOMERSET, Ky. — A former sheriff's deputy was sentenced yesterday to life in prison for helping plot the assassination of his chief political rival — an incumbent sheriff killed by a sniper at a campaign rally.

Jeff Morris won't be eligible for parole for at least 25 years in a plea bargain that spared him the possibility of the death penalty.

He pleaded guilty to complicity in the murder Sheriff Sam Catron, which was intended to improve his chances of winning election.

"I am sorry that it went as far as it did," Morris said in court, turning to Catron's family. "I hope about to God that you can forgive me sometime in your heart." Catron was shot after delivering a campaign speech April 13, 2002, at a volunteer fire department in Shopville. AP

LEGAL NOTICE

CON EDISON OFFERS NEW RATES TO CUSTOMERS WITH DISTRIBUTED GENERATION FACILITIES

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The Company has established a new Rider H - Distributed Generation Rate that will be available for a term of three years, i.e., from November 1, 2003 until October 31, 2006. Customers commencing service after November 1, 2003 will be eligible for the new service for the balance of the three-year term ending on October 31, 2006.

The Company's Rider H includes gas rates and terms of service for firm sales and firm transportation of gas to commercial and industrial customers that install on-site Distributed Generation ("DG") facilities having a rated capacity of less than 50 MegaWatts ("MW"). The tariff revisions include separate rates for small DG facilities (less than 5 MW) and large DG facilities (5 MW or greater). The rates applicable to both small and large DG facilities include seasonal volumetric charges for the gas consumed each month. The rates applicable to large DG facilities include a contract demand charge to recover the costs associated with the customer's highest one-hour usage ("contract demand"). Customers must provide the Company with their contract demand prior to the initiation of service. The contract demand is reset to the higher level each time the customer's one-hour usage exceeds the previously established contract demand level. Both small and large DG facilities are subject to monthly minimum charges and all the applicable rates and charges and other provisions of service that would be applicable if the customer did not install a DG facility.

The gas service for fueling the DG facility will be separately metered and the customer will be responsible for the cost of such metering equipment (including installation and maintenance costs). The electricity generated by the facility must be used solely to supply all or part of the customer's on-site electrical requirements. To be eligible for the new service, a customer must demonstrate that it will have an annual load factor of at least 50% during its initial term of service and, to remain eligible for the rate, must maintain an annual load factor of 50% or greater during each annual period thereafter.

Complete copies of this filing are available in any Con Edison office where an application for service may be made, or at the office of the New York Public Service Commission.

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.



FAMILY TRAGEDY: A day after his daughter was found drowned and his son near death, Christopher Randall swerved his SUV into this truck on a Florida freeway. AP

Kid-slay suspect kills self in crash

MAITLAND, Fla. — An ex-Ivy League basketball star suspected of drowning his toddler daughter and attempting to drown his 4-year-old son killed himself when he swerved his sport utility vehicle into the path of a tractor trailer, authorities said.

His two other children were injured in the crash. Police believe the drowning and crash that killed Bryan Christopher Randall are the result of a dispute with his estranged wife.

In a suicide note found in the crash wreckage, Randall wrote he wanted to kill himself and his kids because he didn't approve of how his ex-wife was caring for them, authorities said.

"I had to take them with

me," said the letter, which was released by authorities.

The accident happened about eight miles north of the small lake where Randall's daughter, Yana, 2, and a son, Regal, 4, were found Sunday morning by a fisherman.

The boy was in critical condition yesterday. An autopsy is set to be done on Yana.

Investigators said the crash occurred after Randall, who had parked on the eastbound shoulder of Interstate 4, made a hard left turn into the path of an oncoming truck.

Randall was pronounced dead at a local hospital.

His son Bryan, 8, was in critical condition and an-

other son, Julian, 6, was in stable condition after the crash.

Police said Randall picked up all four children Friday night and was supposed to return them Sunday night to his estranged wife, Lisa, but never did.

When the children were not returned, their mother contacted police yesterday morning.

The Randalls, who were married for 10 years, had begun divorce proceedings in May, police said.

In college at Dartmouth, Randall had been a basketball star who was named first-team, all-Ivy in 1988.

He finished his collegiate career as the school's all-time assists leader, with 488 in 98 games. AP

'Rape' duo busted at L.I. hotel

By KIERAN CROWLEY

Eagle-eyed police officers busted a pair of sex abusers who were spied leaving a hotel with two intoxicated and visibly shaken underage girls, authorities said yesterday.

Nassau County cops were at the Courtesy Hotel in Hempstead at 10 p.m. Saturday night on an unrelated medical call when they observed one of the men and the two girls exiting an elevator.

The teens appeared to be underage and intoxicated and one was crying — prompting the officers to ask questions, cops said.

After a brief investigation, police arrested both men, identified as Jonathan Jackson, 27, a deli worker, of Valley Stream; and Michael Garcia, 28, a carpenter, of Rockville Centre.

They were charged with statutory rape and sodomy for sexually abusing the 16-year-old, police said.

The teens "were drinking" and the girls consented to the sex, said Detective Lt. Robert Cuerdo.

The crying girl "was emotional from the alcohol and, I guess, whatever else had occurred," said Cuerdo.

The girls, who are high-school students, were acquainted with Garcia — who introduced them to Jackson.

Both men had prior arrest records.

Pols bicker on homeless

Homeless Commissioner Linda Gibbs launched an attack on City Council members yesterday, charging they are more concerned with whether shelters will be located in their districts than they are about solving the larger problem.

"As we face the worst homeless crisis this city has experienced in recent history, this council has held only two ... oversight hearings on the issue, and both of them on one topic" — notice of the siting of shelters, Gibbs said.

Miffed Councilman Phil Reed (D-Harlem) immediately blasted back:

"Your agency has never come to me and said, 'We would like to sit down and look at the siting issue.' It sounds like Joan of Arc showed up today."

Gibbs tried to apologize for her sharp attack, but it wasn't enough for Councilman Charles Barron (D-Brooklyn).

"You have a lot of nerve to come here with this as though we are not working hard to end homelessness!" he yelled. Frankie Edozien



London flips for Charlize

Charlize Theron arrives at the premiere of "The Italian Job" in London yesterday. The South African stunner stars as a safecracker in the tale of thieves who steal gold and escape in a fleet of Mini Cooper cars, like the one that came peeling in at yesterday's event (left).

EPA (above); Reuters (right)

\$1M HAUL IN CYBER IDENTITY THEFTS

By JOHN LEHMANN

June 2000 and June 2001.

A cyber con artist went on a \$1.1 million spending spree after stealing credit cards and confidential personal information from more than 1,000 people, the feds charge.

Joel Juste, an unemployed 27-year-old, snapped up a 2002 Mercedes G500 and funded a lavish lifestyle after pulling off his scam, Manhattan federal investigators said yesterday.

He now faces up to 85 years in prison after he was charged with 10 federal charges, including conspiracy, wire fraud, access-device fraud, computer fraud and identification-document fraud.

A federal indictment unsealed yesterday said Juste, who owns a \$300,000 home in West Orange, N.J., allegedly obtained from unnamed co-conspirators lists of people who were being issued new credit cards.

After stealing the cards as they were being mailed out, he hacked into credit reporting agencies' computer databases to obtain birth dates, addresses and Social Security numbers of the credit-card owners, the feds said.

These details enabled him to allegedly activate more than 1,000 cards between

The feds moved yesterday to confiscate Juste's allegedly ill-gotten luxuries, including the Mercedes.

"He has received a tremendous amount of money through his scheme, which has supported a high lifestyle," prosecutor Anthony Barkow said at a brief court hearing yesterday.

Magistrate Judge Frank Mass denied Juste bail at the hearing, finding that he was a "danger to the community" and likely to attempt to flee New York.

Juste was not required to enter a plea.

Juste was sent to prison for up to three years on forgery and attempted grand-larceny charges just after the alleged federal crimes were committed, the court was told.

The latest case of identification fraud and credit-card theft comes after a Long Island computer-company employee was arrested on charges he masterminded the biggest ID theft in U.S. history.

Philip Cummings, 33, who worked at Teledata Communications in Bay Shore, L.I., was charged last November with allegedly hacking into the personal credit histories of more than 30,000 people to pick-pocket their money from bank accounts.

Philippine plot to kill W.

The communist New People's Army in the Philippines has assigned 50 "elite, highly trained" marksmen to assassinate President Bush when he makes a brief visit to Manila in mid-October, the Manila Times reported yesterday.

The newspaper said it learned the guerrillas assigned to the assassination team have been undergoing extensive training in the south of Luzon island since August.

Citing unidentified sources, it said it learned the NPA has set up an intel-

ligence network to gather information about Bush's planned eight-hour stop-over in the Philippines en route to an Asia-Pacific economic summit in Bangkok.

The paper also reported that the Philippine military doubts the NPA has the ability to carry out such a high-profile assassination.

"With the kind of preparations we are doing, we can assure you that President Bush will be safe on his visit here," said Philippines Lt. Col. Daniel Lucero.

Marsha Kranes

Bush stokes fires in power debate

By BRIAN BLOMQUIST
Post Correspondent

WASHINGTON

President Bush said yesterday America needs to improve its energy production because last month's big blackout "might have been good for candle sales, but it certainly was not good for job growth."

Speaking at a giant coal-fired plant on Lake Erie in Monroe, Mich., Bush said his energy policies, which include incentives for

capital investment in power companies, would help prepare the country for modern electrical needs.

"It recognizes that we've got an issue with our electricity grid and we need to modernize it," Bush said.

Bush said relaxed new rules on coal-fired plants, like the one he toured in Michigan, will lead to more modernization, more jobs and better energy efficiency.

The rule is controver-

sial. Environmentalists say it will prevent older plants from making cleaner-burning modifications. But power companies say the older rules were keeping them from making any real repairs.

"Plants were discouraged from doing routine maintenance because of government regulation," Bush said.

"All that does is make the plant less reliable, less efficient, and not as environmentally friendly as it should be."

New York Post, Tuesday, September 16, 2003

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COUNTY OF NEW YORK

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says that he/she is the principal Clerk of the Publisher
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DEBORAH P. ROSEN
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St. John's shoot trial

A Queens man was trying to murder a St. John's University football star and two of his friends when he fired into a crowd in a campus parking lot in 2001, a prosecutor said yesterday at the start of the alleged shooter's retrial.

Christopher Prince, 24, had Red Storm linebacker Cory Mitchell "running for his life" before putting a bullet in the NFL hopeful's back, leaving him a paraplegic, Assistant DA Laurie Neustadt told the jury.

His trial last year ended in a hung jury.

In opening arguments, defense lawyer Harvey Fishbein said there were close to 40 people in the parking lot, yet the only witnesses who picked Prince out of the lineup were Mitchell's friends and teammates.

Eric Lenkowitz

DA probes HS hazers

Pa. subpoenas due in L.I. grid 'sodomy'

A Pennsylvania grand jury will subpoena witnesses in the case of Long Island high-school football players who were allegedly sodomized by their teammates in a hazing ritual, a prosecutor said yesterday.

Wayne County District Attorney Mark Zimmer said the subpoenas will help state police determine whether members of the Mephram HS football team in Bellmore sexually assaulted younger players with a broomstick, pine cones and golf balls during a five-day trip to

Camp Wayne for Girls in Preston Park, Pa. Zimmer called the allegations "disturbing and horrific."

He added that the investigation had been slowed by the reluctance of school district administrators, coaches and students to cooperate with the Pennsylvania State Police.

School officials, he said, have asked to be served with subpoenas before they release written statements gathered from witnesses during the district's internal inquiry.

Zimmer said the grand jury has already issued

several subpoenas, which will be served shortly in New York. Zimmer said students who witnessed or had knowledge of the alleged assault have generally been afraid to come forward. He asked anyone with knowledge of the alleged attacks to cooperate with police.

"Do not let a bunch of high school bullies intimidate you into letting extremely serious crimes go unpunished," he said.

Sixty players and five coaches with the team attended the camp last month. Officials said the coaches slept in a differ-

ent cabin from students and were unaware of any problems until a parent complained.

Mephram HS suspended three players from school following the allegations. The Bellmore-Merrick school district canceled the team's entire season Wednesday.

Bellmore-Merrick Superintendent Thomas Caramore said the district is committed to assisting police in the probe, but is barred by federal law from releasing information about students without a subpoena or the consent of their parents. AP

Crash pol remorseful

SIoux FALLS, S.D. — U.S. Rep. Bill Janklow, speaking publicly for the first time since he was charged in a deadly crash, said he "couldn't be sorrier" for the August accident that killed a motorcyclist.

The 64-year-old former governor talked about his own injuries from the crash, in which prosecutors said he ran a stop sign at 71 mph.

"I've been in public service since 1966," Janklow (R-S.D.) said. "I don't know what's appropriate at this point in time."

Janklow is charged with second-degree manslaughter, which is a felony, and three misdemeanors for the Aug. 16 crash that killed Randy Scott, 55, of Hardwick, Minn.

A hearing in the case Thursday and Friday will determine if there is enough evidence for a trial. AP

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Weird BUT true

Interstate 40 in Oklahoma City was transformed into a giant sty when 800 baby pigs spilled onto the road when the truck carrying them flipped over.

Cops, who closed the freeway in both directions while the tiny porkers were chased and scooped up, said there was a silver lining to the mess.

"If these had been full-grown hogs, they would have gone ballistic," said state trooper James Watson. "We would of had to shoot them."

It was a dirty job and Milwaukee cops had to do it when they raided a house and found 130 cats and a dog wallowing in animal feces three feet deep.

Authorities say the owner had died in 1997, but her son returned regularly to feed the animals, who multiplied over the years.

City worker Martin Collins, who wore a sealed "moon suit" to enter, said, "You can imagine ... what the house is going to smell like forever."

Fortunately, authorities are going to tear it down.

The hunter became the hunted when an angry bull moose charged a sportsman in Maine, clobbering him with his antlers and tossing him in the air.

The attack left Jim Osgood, 47, of Newry, with a broken collarbone and broken cheekbone.

"Of course, I've seen them before and I've seen them acting weird, but I never had one come at me," Osgood said.

Cops in Springfield, Ohio, say Harry Adkins is a coldblooded killer — of roses.

"They handcuffed me and took me to jail. It was the Gestapo or something," said Adkins, 67, who allegedly sprayed weed-killer on neighbor Terry Sprinkle's rose garden.

The incident stems from an ongoing dispute. "He said he could park his damn car anyplace he wants," Adkins said.

A boozed-up customer stunned onlookers at a German gas station when he paid for his fuel and then started drinking it straight from the pump.

The 30-year-old Ethiopian man was taken to a hospital in Halle for observation and later released.

"He opted for unleaded ... He paid ... \$6 he isn't facing any charges, said police spokeswoman Ulrike Diener.

Bill Hoffmann, Wire Services

'SINGLE' FILES

One on one

86 million singles in the United States

45 million: people a month who visit online dating sites

80% of single women spend an hour or more primping.

14% of single women 'fess up to the importance of looks.

51% of single men spend an hour getting ready.

22% of single men admit appearance is important.

63% of singles say personality is most important.

80% of single women would never date a friend's ex.

67% of single men would avoid dating a friend's ex.

80% of single women are happy being single.

49% of single men are happy with bachelorhood.

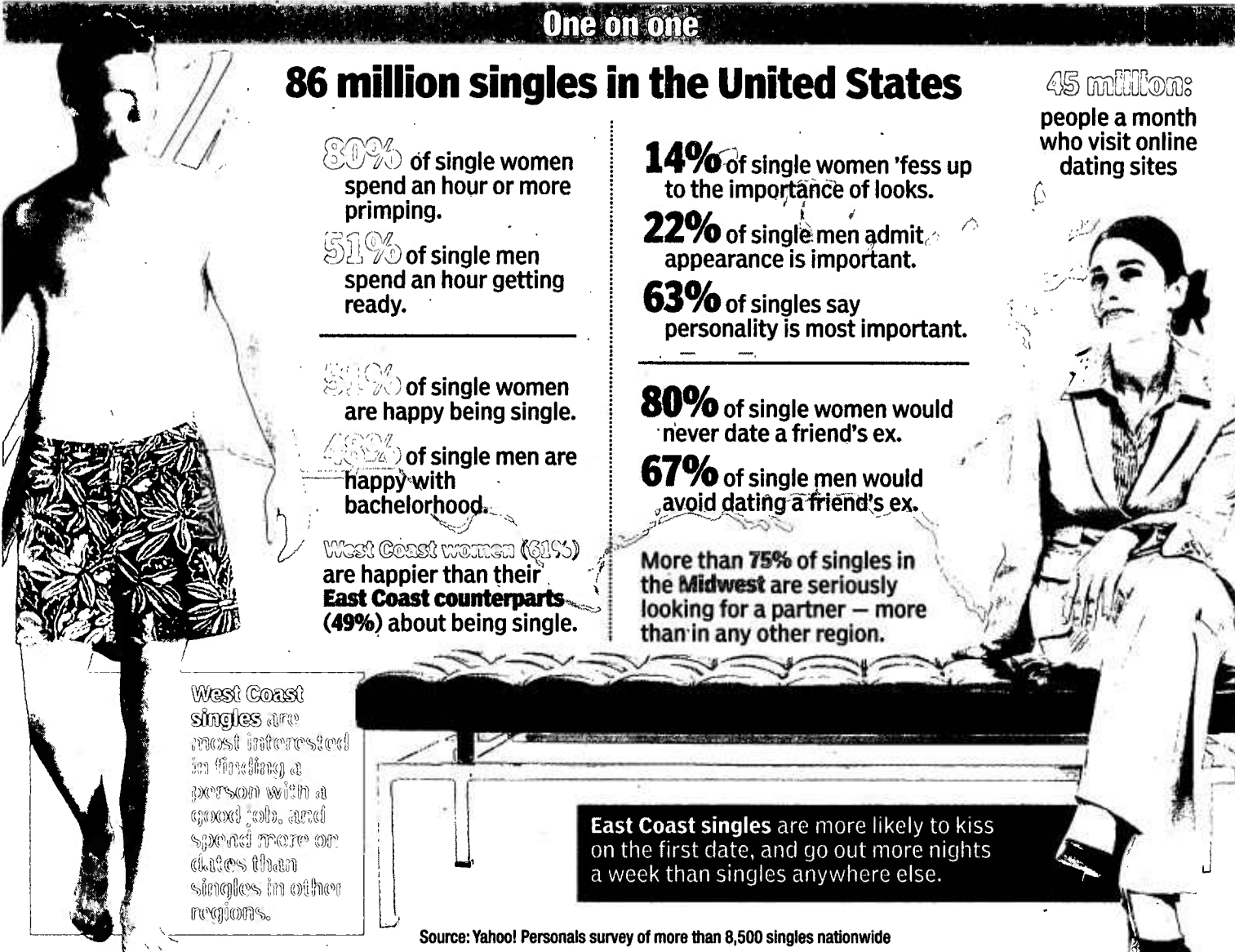
West Coast women (61%) are happier than their East Coast counterparts (49%) about being single.

West Coast singles are most interested in finding a person with a good job, and spend more on dates than singles in other regions.

East Coast singles are more likely to kiss on the first date, and go out more nights a week than singles anywhere else.

More than **75%** of singles in the Midwest are seriously looking for a partner — more than in any other region.

Source: Yahoo! Personals survey of more than 8,500 singles nationwide



Dating habits of the unhitched are coasts apart

By JENNIFER GOULD

Out West, singles spend more money on their first dates, while here in the East, couples make out better — kissing more on their first rendezvous, a new survey claims.

Yahoo! surveyed more than 8,500 singles for National Singles Week, Sept. 21-27, and found 86 million of them in the United States.

The poll found that what's good for love is also good for Yahoo! — it said

more than half of the singles surveyed, about 45 million, surf for love online each month.

While most singles want the same thing — 75 percent say they are "seriously looking" for love — their moods and methods vary from region to region.

Unattached West Coasters say they're happier about their solo status than their East Coast counterparts. Still, East Coast residents spend more nights out on the town looking for a partner.

About 61 percent of West Coast women enjoy being single, while only 49 percent of East Coast women are content.

In the Midwest, single women are the most unhappy.

West Coasters are big spenders — throwing down \$100 or more on a first date compared to singles in the East who spend \$25 to \$50.

But money doesn't buy fun.

Here on the East Coast, dates may be cheap but

they are more likely to end with fireworks.

While 53 percent of all singles surveyed say they typically don't kiss on the first date, East Coast singles are far more likely to break their own rule.

East Coasters are also less likely to be job snobs than their Western counterparts. In the West, four times as many people as in the East said finding a person with a good job is important.

Everyone agrees that "personality" is the most

important factor when looking for love — 63 percent said that comes first.

But men are more likely than women to admit that physical appearance is an important factor — 22 percent of all men mention looks compared to 14 percent of the women.

And while the Internet is a popular way to meet someone, 76 percent of those interviewed said the best way to thank someone for a date is the old-fashioned way — picking up the phone.

'WKRP' star dies at 71



GORDON JUMP
The Maytag man, too.

LOS ANGELES — Gordon Jump, who played the befuddled radio-station manager on "WKRP in Cincinnati" and made his mark in commercials as the lonely Maytag repairman, died yesterday at 71.

Jump suffered from pulmonary fibrosis, which causes scarring of the air sacs of the lungs.

He played Arthur Carlson in "WKRP," which aired on CBS from 1978-82.

He portrayed the Maytag man from 1989 until he retired from the role in July.

Jump is survived by his wife and five children. AP

E. Siders rail against subway plan

East Siders blasted the MTA's plans for a Second Avenue subway yesterday, arguing that placing station entrances inside buildings would be a "major disruption."

"The reality is that this will be a big disaster for people who live on Second Avenue," said Doron Gopstein, a lawyer who lives in a building at the northeast corner of 86th Street that has been targeted as a spot for a station entrance.

"There will be an impact on the quality of life of those who live on Second Avenue."

More than 300 people turned out for the hearing at the New York Blood Center on East 67th Street, and sounded off on the \$16.8 billion project, which calls for the construction of an 8½-mile line.

The Post reported three weeks ago that the MTA was targeting buildings along Second Avenue.

Officials said last night no final decisions had been made on which properties would be condemned.

"We will be looking into what makes most sense," said MTA Deputy Executive Director Chris Boylan. "Those decisions have not been made."

The MTA said the project is expected to begin next year and will take 12 to 16 years to complete.

Clemente Lisi

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says that he/she is the principal Clerk of the Publisher
of the

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43 million have no health cover

WASHINGTON — The ranks of the uninsured swelled by 2.4 million last year as insurance costs continued rising and more Americans lost their jobs and health-care coverage.

The number of people without health insurance the entire year rose to 43.6 million, a jump of almost 6 percent from 2001 and the second consecutive annual increase, the Census Bureau said in a report out today. The percentage of Americans without health coverage rose from 14.6 to 15.2.

The bureau reported a survey last week that found more people fell into poverty and median income declined in 2002, even though the recession officially ended in November 2001.

Increases in uninsured rates occurred among whites, blacks, people 18-to-64, and middle- and higher-income earners. AP

HS hazing probe begins



JOHN DIDDEN
Principal under fire.

By KIERAN CROWLEY

A grand jury today begins probing the alleged sexual assaults on members of a Long Island high-school football team — as the school's principal faces growing calls for his ouster.

The sordid case's alleged victims, other students, coaches and school officials have been subpoenaed by a grand jury in Wayne County, Pa., the location of the camp where the reported attacks occurred.

"I have been contacted by witnesses and lawyers for witnesses who have now expressed their desire to cooperate," Wayne County Dis-

trict Attorney Mark Zimmer said in a statement.

"Hopefully, more people will now come forward with information."

The grand jury is convening as pressure increases on John Didden, principal of Mephram HS, in Bellmore, regarding the case.

His fate is expected to be discussed at a Bellmore-Merrick School Board meeting tomorrow, where foes and supporters are set to clash, sources said.

Those demanding Didden's removal claim he failed to take prompt action when he learned of the alleged sodomy assaults in August.

They say he allowed

the bullies suspected of the attacks to remain in school, where they threatened and intimidated the victims, a lawyer for one of the victims claimed.

The victims — three members of Mephram's junior-varsity football squad — say they were sodomized by three senior team members during a hazing.

The attackers allegedly used a broomstick, pine cones and golf balls while as many as 15 other students watched — some encouraging the assault, authorities said.

Sixty players and five coaches with the team were attending the camp at the time.

S.I. couple's flag now OK

The city Housing Authority said yesterday that Staten Island couple can continue to fly an American flag from their apartment balcony in honor of their son, who is in the Navy.

The Housing Authority earlier had told Eugene and Sally Wimmer that the 35-foot flag pinned to the railing was in violation of their lease.

But yesterday, officials changed their mind. Housing Authority spokesman Howard Marder admitted that "perhaps someone was looking too closely at rules and regulations."

"We have the utmost respect for the men and women serving overseas and for our residents' desire to honor them," Marder said.

Eugene Wimmer said he's happy he can continue to fly the flag, adding, "God bless America."

Stephanie Gaskell

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The gas service for fueling the DG facility will be separately metered and the customer will be responsible for the cost of such metering equipment (including installation and maintenance costs). The electricity generated by the facility must be used solely to supply all or part of the customer's on-site electrical requirements. To be eligible for the new service, a customer must demonstrate that it will have an annual load factor of at least 50% during its initial term of service and, to remain eligible for the rate, must maintain an annual load factor of 50% or greater during each annual period thereafter.

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Frank's big bet

Quattrone's lawyer to plead ignorance



CHRIS NOLAN

If looks could kill, former Credit Suisse First Boston General Counsel David Brodsky would have been carried out of court last week on a stretcher. And longtime Frank Quattrone associate George Boutros would stand accused of murder.

As Boutros sat a few

rows behind the man he has been associated with for more than a decade, his hard angry glare spoke volumes about the way many in Silicon Valley see Quattrone's obstruction of justice trial.

They don't like it. And they don't understand it.

Boutros, like many inside Credit Suisse First Boston's tech group, the once semiautonomous division Quattrone ran during the tech bubble, seems to think it's Brodsky, not Quattrone, who should be on trial.

Or, as Quattrone's cooler-headed spokesman, Bob Cholpak, says — and has maintained since well before the trial started — Brodsky and CSFB were far too worried about bad press to bother trying to protect their employees.

Quattrone is paying the price for that incompetence.

Quattrone's lawyer, John Kecker, will certainly try to get at this today or tomorrow when he cross-examines Brodsky.

One question he's certain to ask again and again:

Did Brodsky tell Quattrone just how much damage would be done during the federal grand jury investigation CSFB was facing in the fall of 2000?

If Brodsky says no, not specifically, then Kecker will argue — again — that was why Quattrone didn't see the need to change anything about how he or his employees were conducting their affairs.

Sounds silly. After all, everyone knows that the U.S. Attorney's Office for the Southern District of New York is the place from which Rudy Giuliani launched a law-and-order political career.

Quattrone, making more than \$170 million in 2000, had to have known what he was up against, right?

Maybe not. In Silicon Valley in the fall of 2000, Giuliani was nothing more than the Italian mayor of a large East Coast city.

When news of the federal probe first appeared, plenty of people in the Valley brushed off the inquiry as nothing more



QUATTRONE
Dumb defense trick.

than trouble being made by hedge fund managers dissatisfied with their allocations.

After all, sophistication and Silicon Valley are not words that usually appear together in the same sentence.

That's, in essence, what Quattrone — who is playing up his self-made credentials and trying to minimize his wealth — is attempting to argue.

It's a risky strategy.

The Quattrone jury may decide his protests of innocence — and ignorance — are nothing more than a ruse. Or they may think he's not as much of a hot shot as he used to think.

Either way, there's a big change in the works.

Please send e-mail to: cnolan@nypost.com

Deutsche Bank grabs rival bankers

Deutsche Bank AG, seeking to increase its share of U.S. investment-banking fees to 8 percent from 5 percent, hired 12 U.S.-based bankers, including James Stynes, a mergers and acquisitions specialist who came from Morgan Stanley.

Stynes, 54, a 20-year Morgan Stanley veteran, will join Deutsche Bank as a vice chairman in the corporate advisory group in New York, the bank said in a statement.

Deutsche Bank also hired David Pearson, 38, from Goldman Sachs Group Inc. to oversee its U.S. telecommunications group with Tony Whitte more. Ed Dunn from Merrill Lynch joins that group as a director.

Deutsche Bank has spent more than \$11 billion on U.S. acquisitions since 1998.

The bank is in 10th place in advising on mergers and acquisitions in the U.S. this year, with a 6.2 percent market share, one place higher than last year and down from seventh place in 2001, according to Bloomberg data.

It is 13th in underwriting U.S. stock sales and ninth in underwriting U.S. corporate debt. *Bloomberg*

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Wall St. wins 'flipping' case

The U.S. Supreme Court refused to revive a lawsuit that claimed Merrill Lynch & Co., Morgan Stanley and other investment banks unlawfully restricted small investors from quickly reselling stocks they bought in initial public offerings.

The suit accused 17 banks of violating federal antitrust law by allowing large institutional clients to sell such stocks soon after buying them, a practice known as "flipping," while penalizing small investors who did so. A lower court dismissed the suit and the justices refused to hear an appeal by the investors.

The banks were accused of penalizing small investors who sold the stocks within 90 days by denying them the chance to buy stock in future initial offerings. The Second U.S. Circuit Court of Appeals said it is up

to the U.S. Securities and Exchange Commission to regulate such practices, and that it had chosen not to do so.

"The restraints are not legal and have never been approved of by statute, rule, regulation" or court ruling, the investors' lawyers said in court papers filed in Washington.

Merrill Lynch is the world's largest securities firm by capital and Morgan Stanley is the second biggest. Other defendants included Citigroup Inc.'s Salomon Smith Barney unit, and units of Credit Suisse Group, Deutsche Bank AG, Goldman Sachs Group Inc., Prudential Financial Inc. and Lazard LLC.

The appeals court ruling in December said flipping generally causes stock prices to decline. *Bloomberg*

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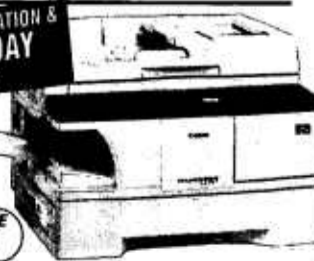
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GENERAL GETS \$5M FOR HIS MEMOIR

By KEITH J. KELLY

Gen. Tommy Franks, former commander of the U.S. forces that overthrew Saddam Hussein in Iraq, has landed a \$5 million advance to write his autobiography for HarperCollins' Regan Books.

"His presence, grace and intelligence in telling his story of leadership and success will captivate the country," said Jane Friedman, president and CEO of HarperCollins Publishers.

He may captivate the country, but the auction run by International Creative Management did not command the same kind of lofty advance earned by the heroes of the first Persian Gulf War — Colin Powell and Norman Schwarzkopf.

A decade ago, Schwarzkopf is said to have commanded around \$6 million from Bantam, and Powell commanded \$6.5 million from the Random House imprint.

Still, the advance for the retiring Gen. Franks is one of the largest ever paid by publishing maverick Judith Regan, the head of Regan Books (which is part of News Corp., which also owns the Post).

Regan generally likes to sign lower-priced authors to six-figure advances and then promote them onto the bestseller lists. She did not return calls seeking comment and has yet to



FRANKS
Wins large advance.

set a publication date for the Franks tome.

That may be because the company is still interviewing to find a co-author who will work with Franks and be expected to do most of the actual writing. Franks had conducted interviews with prospective publishers just after Labor Day, but did not submit detailed proposals.

Marvin Josephson, who is now semi-retired from ICM but is still listed as its chairman, represented all three generals.

Industry sources said that bidding was held down because Franks is not as visible as Schwarzkopf or Powell were in the first Persian Gulf War and that there was a sentiment among some rival bidders that HarperCollins had the inside track all along.

Wall St. banks \$22B after record layoffs

By PAUL THARP

It's said our body's elements are worth \$25 — but on Wall Street, you're worth around \$619,050 to the bottom line when you're fired.

That calculation comes after a report yesterday from the Securities Industry Association that Wall Street firms will post record profits this year of \$22.5 billion.

Financial services firms have cut payrolls to the bone this year to hold down costs, with a total of 36,346 laid off so far this year, according to outplacement firm Challenger, Gray & Christmas. The bottom-line gain for 2003 equals about \$619,050 for each terminated financial services worker.

The projected 2003 profits of the 600 brokerages in the study are triple last year's earnings, and even surpass the banner year of 2000, when earnings totaled \$21 billion. Since 2000, financial services companies have laid off about 100,000 workers in the aftermath of the three-year bear market downturn that began in 2000.



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Offers expire December 31, 2003. Instant Connect 500 UDC Plan: Requires two-year service agreement and credit approval. \$200 early termination fee applies, after 15-day trial period (conditions apply). Setup fee of \$35 per phone, up to \$70 max per account applies. Direct Connect minutes are unlimited and do not include Group Connect calls, which are \$0.15/min. Nationwide Direct Connect calls use the Direct Connect minutes in your plan and incur an additional access charge of either: (i) \$0.10/minute multiplied by the number of participants on the call; or, (ii) a monthly flat fee if you sign up for Unlimited Nationwide Direct Connect access. Nationwide Direct Connect calls are charged to the call initiator. You can cancel the Nationwide Direct Connect feature by calling Customer Care or your Nextel Representative. Group Connect charges are calculated by multiplying the minutes of use, number of participants and the applicable rate. Group Connect can only work with members of the same network while in their home market. Nationwide service is not available for Group Connect calls. Cellular coverage is \$0.40/min. Cellular calls round to the next full minute. Domestic long distance is \$0.20/min. Nights are 9:00pm to 7:00am. Weekends begin Fri. at 9:00pm and end Mon. at 7:00am. On the \$49.99 plan Two-Way Messaging is \$0.15/message. Additional charges may apply and may vary by market, including state and federal taxes, a Universal Service Assessment of either 1.20% or .75%, a TRS charge of approx. .07%, and a state-required E911 fee. Other Terms: Nextel reserves the right to modify or terminate these offers at any time. Offers may not be available in all markets. Other conditions may apply. Read service agreement for details. In-store purchases require two forms of valid identification. Nextel's Nationwide Network serves 293 of the top 300 markets. ©2003 Nextel Communications, Inc. NEXTEL, NEXTEL DONE, DIRECT CONNECT, GROUP CONNECT, NATIONWIDE DIRECT CONNECT, PUSH TO TALK and the Driver Safety logo are service marks, trademarks, and/or registered trademarks of Nextel Communications, Inc. MOTOROLA and the Stylized M Logo are registered in the U.S. Patent & Trademark Office. All other product or service names are the property of their respective owners. All rights reserved.